

FILED

MAR 02 1995

HONORABLE JUDGE  
MARIN COUNTY CLERK  
BY: E. Keenick Deputy

Gerald Armstrong  
715 Sir Francis Drake Boulevard  
San Anselmo, CA 94960  
(415)456-8450

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF MARIN

CHURCH OF SCIENTOLOGY INTERNATIONAL, )  
a California not-for-profit )  
religious corporation, )

Plaintiff, )

vs. )

GERALD ARMSTRONG; MICHAEL WALTON; )  
THE GERALD ARMSTRONG CORPORATION )  
a California for-profit )  
corporation; DOES 1 through 100, )  
inclusive, )

Defendants. )

No. 157 680

ARMSTRONG'S DECLARATION  
IN OPPOSITION TO  
SCIENTOLOGY'S MOTION  
FOR PROTECTIVE ORDER  
AND SANCTIONS RE  
SPECIALLY PREPARED  
INTERROGATORIES

Date: 3/9/95  
Time: 10:00 a.m.  
Dept: Referee  
Trial Date: 5/18/95

VOLUME II







## DECLARATION OF GERALD ARMSTRONG

I, Gerald Armstrong, declare:

1. I am the defendant and cross-complainant in the case of Church of Scientology of California v. Gerald Armstrong, Los Angeles Superior Court No. C420153. I have been involved in litigation with various Scientology entities, hereinafter referred to as "the organization," since 1982. Until December 1986 I was represented in this litigation by the law firms of Flynn, Joyce & Sheridan (now Flynn, Sheridan & Tabb) in Boston, Massachusetts and Contos & Bunch in Woodland Hills, California. Michael Flynn, my attorney in Armstrong was the prime mover in much of the organization-related litigation throughout the U.S.

2. The legal battle waged by the organization was abusive, menacing and debilitating. The organization sued Mr. Flynn or his firm many times, filed countless false sworn statements about Mr. Flynn and me, and attempted to frame both of us and bring false criminal charges against us.

3. At the beginning of December 1986 an agreement was reached in Los Angeles between the organization and Mr. Flynn to settle most of the cases in which he had been involved either as counsel or party. I was then working in the Flynn, Joyce & Sheridan firm, so was aware that settlement talks were occurring, and I had reached an agreement with Mr. Flynn on a monetary figure to settle my lawsuit with the organization. Such talks had occurred a number of times over the prior four years.

4. On December 5 I was flown to Los Angeles, as were several other of Mr. Flynn's clients with claims against the organization, to participate in a "global settlement." After my arrival in LA I was shown a copy of a document entitled "Mutual Release of All Claims and Settlement Agreement,"



hereinafter referred to as "the settlement agreement," and some other documents, which I was expected to sign.

5. The settlement agreement, attached hereto as Exhibit A, has now become a public document, and it and its effects are issues in various lawsuits now pending. I am making this declaration to explain why I signed such a patently offensive document, to clarify what my present legal situation is regarding the agreement and the organization, and to assist in the resolution of the Scientology conflict. I am waiving the attorney-client privilege between Mr. Flynn and me only as to our conversations concerning the settlement agreement and the settlement.

6. Upon reading the settlement agreement draft I was shocked and heartsick. I told Mr. Flynn that the condition of "strict confidentiality and silence with respect to [my] experiences with the [organization]" (settlement agreement, para. 7D), since it involved over seventeen years of my life, was impossible. I told him that the "liquidated damages" clause (para. 7D) was outrageous; that pursuant to the settlement agreement I would have to pay \$50,000.00 if I told a doctor or psychologist about my experiences from those years, or if I put on a job resume what positions I had held during my organization years. I told Mr. Flynn that the requirements of non-amenability to service of process (para. 7H) and non-cooperation with persons or organizations adverse to the organization (paras. 7G, 10) were obstructive of justice. I told him that I felt that agreeing to leave the organization's appeal of the decision in Armstrong and not respond to any subsequent appeals (para. 4B) was unfair to the courts and all the people who had been helped by the decision. I told Mr. Flynn that an affidavit the organization was demanding that I sign along with the settlement agreement was false. The document, which I do not have, stated, inter alia, that my



disagreements with the organization had been with prior management and not with the then current leadership. In fact there had been no management change and I had the same disagreements with the organization's "fair game" policies and actions which had continued without change up to the time of the settlement. I told him that I was being asked to betray everything and everyone I had fought for against organization injustice.

7. In answer to my objections to the settlement agreement Mr. Flynn said that the silence and liquidated damages clauses, and anything which called for obstruction of justice were not worth the paper they were printed on. He said the same thing a number of times and a number of ways; e.g., that I could not contract away my Constitutional rights; that the conditions were unenforceable. He said that he had advised the organization attorneys that those conditions in the settlement agreement were not worth the paper they were printed on, but that the organization, nevertheless, insisted on their inclusion in the settlement agreement and would not agree to any changes. He pointed out the clauses concerning my release of all claims against the organization to date and its release of all claims against me to date (paras. 1, 4, 5, 6, 8) and said that they were the essential elements of the settlement and were what the organization was paying for.

8. Mr. Flynn also said that everyone was sick of the litigation and wanted to get on with their lives. He said that he was sick of the litigation, the threats to him and his family and wanted out. He said that as a part of the settlement he and all co-counsels had agreed to not become involved in organization-related litigation in the future. He expressed a deep concern that the courts in this country cannot deal with the organization and its lawyers and their contemptuous abuse of the justice system. He said that if I didn't sign the documents all I had to look forward to was more years of



harassment and misery. One of Mr. Flynn's other clients, who was in the room with us during this discussion, yelled at me, accusing me of killing the settlement for everyone, and that everyone else had signed or would sign, and everyone else wanted the settlement. Mr. Flynn said that the organization would only settle with everyone together; otherwise there would be no settlement. He did agree to ask the organization to include a clause in my settlement agreement allowing me to keep my creative works relating to L. Ron Hubbard or the organization (para. 7L).

9. Mr. Flynn said that a major reason for the settlement's "global" form was to give the organization the opportunity to change its combative attitude and behavior by removing the threat he and his clients represented to it. He argued that the organization's willingness to pay us substantial sums of money, after its agents and attorneys had sworn for years to pay us "not one thin dime" was evidence of a philosophic shift within the organization. I argued that the settlement agreement evidenced the unchanged philosophy of fair game, and that if the organization did not use the opportunity to transform its antisocial nature and actions toward its members, critics and society I would, a few years hence, because of my knowledge of organization fraud and fair game, be again embroiled in its litigation and targeted for extralegal attacks.

10. Regarding the affidavit the organization required that I sign, Mr. Flynn said that the "disagreement with prior management" could be rationalized as being a disagreement with L. Ron Hubbard, and since Mr. Hubbard had died in January 1986 it could be said that I no longer had that disagreement. Mr. Flynn said that the organization's attorneys had promised that the affidavit, which all the settling litigants were signing, would only be used by the organization if I began attacking it after the settlement, and



since I had no intention of attacking the organization the affidavit would never see the light of day.

11. During my meeting with Mr. Flynn in Los Angeles I found myself facing a dilemma which I reasoned through in this way. If I refused to sign the settlement agreement and affidavit all the other settling litigants, many of whom had been flown to Los Angeles in anticipation of a settlement, would be extremely disappointed and would continue to be subjected to organization harassment for an unknown period of time. I had been positioned in the settlement drama as a deal-breaker and would undoubtedly lose the support of some if not all of these litigants, several of whom were key witnesses in my case against the organization. Although I was certain that Mr. Flynn and my other lawyers would not refuse to represent me if I did not sign the documents I also knew that they all would view me as a deal-breaker and they would be as disappointed as the other litigants in not ending the litigation they desperately wanted out of. The prospect of continuing the litigation with unhappy and unwilling attorneys on my side, even though my cross-complaint was set for trial within three months, was distressing. On the other hand, if I signed the documents, all my co-litigants, some of whom I knew to be in financial trouble, would be happy, the stress they felt would be reduced and they could get on with their lives. Mr. Flynn and the other lawyers would be happy and the threat to them and their families would be removed. The organization would have the opportunity they said they desired to clean up their act and start anew. I would have the opportunity to get on with the next phase of my life and the financial wherewithal to do so. I was also not unhappy to at that time not have to continue to testify in all the litigation nor to respond to the media's frequent questions. If the organization continued its fair game



practices toward me I knew that I would be left to defend myself and I accepted that fact. So, armed with Mr. Flynn's advice that the conditions I found so offensive in the settlement agreement were not worth the paper they were printed on, and the knowledge that the organization's attorneys were also aware of that legal opinion, I put on a happy face and the following day went through the charade of a videotaped signing.

12. Before signing the settlement agreement I also consulted with another attorney who advised me that the agreement, including the liquidated damages clause, to have any validity must be reciprocal. He stated that if any agent of the organization said anything to anyone concerning my experiences in the organization or about my case the organization was liable to me for \$50,000.00 for each such instance.

13. In my declaration of March 15, 1990 I detailed my post-settlement involvement with the organization and what I knew of its attempts to enforce by threat the settlement agreement conditions and its acts against me in violation of the letter and spirit of the agreement. At paragraph 44 of the declaration I recount a telephone call to me from organization attorney Larry Heller on November 20, 1989 in which he stated that the organization had signed a non-disclosure agreement as I had and had lived up to its agreement. In the motion dated October 31, 1989 of Author Services, Inc. to prevent the taking of my deposition in the case of Bent Corydon v. Church of Scientology International, Inc., et al. Los Angeles Superior Court No. C694401 (Exhibit D to my 3-15-90 declaration), Mr. Heller states: "One of the key ingredients to completing these settlements, insisted upon by all parties involved, (emphasis in original) was strict confidentiality respecting: (1) the Scientology parishioner or staff member's experiences within the Church of Scientology; (2) any knowledge possessed by the



Scientology entities concerning those staff members or parishioners; and (3) the terms and conditions of the settlements themselves."

14. I filed the March 15 declaration on March 23 as an exhibit to a document entitled "Defendant's Reply To Appellants' Opposition To Petition For Permission To File Response and For Time" in the California Court of Appeal, Second Appellate District, Division Four in the case of Church of Scientology of California, Appellants v. Gerald Armstrong; Bent Corydon, Appellee; Civ. No. B 038975. On the motion of Mr. Corydon, a present litigant against the organization, Los Angeles Superior Court Judge Bruce R. Geernaert, on November 9, 1988 unsealed the Armstrong court file, which had been sealed since the settlement, allowing Mr. Corydon and his attorneys to examine and copy the file for use in his litigation. The organization appealed Judge Geernaert's ruling, filing an opening brief on October 11, 1989. The organization based its argument that the court file should remain sealed on its averment that "[a]n integral, indispensable part of [the] settlement was the sealing of the court's record." (Appellants Brief, p4). On March 1, 1990 I filed a document entitled "Defendant's Petition For Permission To File and For Time To File" (3-15-90 Declaration, Exhibit Q), requesting permission to file a response to the organization's appeal. On March 6 the organization filed "Appellants' Opposition To Defendant's Petition For Permission To File Response and For Time To File," attached hereto as Exhibit B. In its argument for denial of my request to file a response the organization asserted that "the sealing of the file was an essential part of the settlement agreement, pursuant to which Mr. Armstrong received a substantial sum of money in settlement of his cross-complaint." (Opp. p2) My reply to the organization's opposition is attached hereto as Exhibit C. On April 9, 1990 in a letter to the Clerk of the Supreme Court of



California the Clerk of the Court of Appeal for the Second Appellate District requested that the B038975 appeal be transferred from Division Four to Division Three. The Division Three Court already had before it the case of Church of Scientology of California v. Gerald Armstrong, Civ. No. B025920, the organization's appeal of the Los Angeles Superior Court's 1984 decision (3-15-90 Declaration, Ex. A) in the case brought against me in 1982. On March 9, the Division Three Court had granted a similar "Petition For Permission To Respond" I had filed in that appeal, and on July 9 my attorney, Michael Walton, filed a respondent's brief on my behalf. On October 16 the Division Three Court granted my petition to respond in the B038975 appeal.

15. The 3-15-90 declaration was also filed on March 19, 1990 as an exhibit to a motion, attached hereto as Exhibit D, brought by Mr. Corydon "for an order directing non-interference with witnesses and disqualification of counsel" in Corydon, supra. On March 27 the organization filed an opposition, attached hereto as Exhibit E, to Mr. Corydon's motion, supported by, inter alia, a declaration of attorney Lawrence Heller dated 3-27-90, attached hereto as Exhibit F, and a declaration of Kenneth Long dated 3-26-90, attached hereto as Exhibit G. At paragraph 13 of his declaration Mr. Heller states: "13. The confidentiality provisions of the Armstrong Settlement Agreement are nor (sic) reciprocal in nature. Mr. Armstrong does have duties of confidentiality under the terms of the Armstrong settlement and paragrapg (sic) 10 appears to be an accurate recitation of those duties. However, there are no reciprocal duties of confidentiality under the terms of the Armstrong Settlement Agreement that apply to any of the Church parties in the settlement. 14. An important part of the Armstrong settlement was that the Church was not bound by the same confidentiality provisions as



Armstrong and that the Church parties remain free to comment upon and use information pertaining to Mr. Armstrong's experiences in the Church of Scientology. At the time of the Armstrong settlement, information from Mr. Armstrong was being used in a number of cases around the world. It was important to the Church parties to the Armstrong settlement that they remain free to defend themselves against allegations supported by information originating from Armstrong prior to the settlement. I discussed this aspect of the confidentiality provisions the (sic) settlement agreement with Armstrong's counsel, Michael J. Flynn, during my settlement negotiations with him in 1986 and it was clearly understood by both sides of the negotiations that the confidentiality provisions were not to be reciprocal. Any assertions to the contrary now being made by Amrstrong (sic) are false." Mr. Long states in his declaration at paragraph 5: " There is no provision in the settlement agreement with Armstrong which would prohibit CSC from using information obtained through litigation with Armstrong in seeking legal remedies for wrongs committed by third parties." The organization's opposition (Ex. E) states at p. 14 that "an important part of the Settlement Agreement revolved around the continuing ability of the Church to refute the often bizarre allegations made by Mr. Armstrong. Thus, this issue was addressed during the settlement negotiations, with the result that no (emphasis in original) clause was included in the agreement preventing the Church from such action."

16. In his 3-27-90 declaration Mr. Heller, in response to my 3-15-90 declaration in which I recount the three telephone conversations we had in October and November 1989, also avers that "[a]t no time did I threaten him with a lawsuit, speak to him in a threatening manner or even mention a lawsuit. The Court should note Armstrong never says I threatened him with



litigation in his declaration. (emphasis in original). .... However, to my recollection, all of this took place during the course of one (1) telephone conversation." (Ex. F. paras. 10,11) The organization's opposition (Ex. E) states at p. 11: "Even if Gerald Armstrong's declaration....were fully (emphasis in original) truthful (which it is not -- see Declaration of Lawrence E. Heller attached) (parens in original), the acts ascribed to Mr. Heller in his discussions with Armstrong must be construed as ethical and legal. Regardless, as can be seen from the Declaration of Lawrence E. Heller attached hereto, Heller recalls having only one (emphasis in original)(1) telephone call with Armstrong wherein he did, in fact, offer to provide him with an attorney to represent him at his deposition, which Armstrong promptly refused. Mr. Heller did not (emphasis in original) offer to have his client pay for that attorney or offer to indemnify Armstrong for sanctions which might be imposed (sanctions were never discussed) (parens in original)." The opposition also states that "Armstrong nowhere in his declaration indicates Heller threatened him with litigation." (Ex. E, p.12)

17. In his 3-26-90 declaration Kenneth Long repeats the proof he propounded in his affidavits (3-15-90 Dec. Exs. F,G,H,J,K) filed in 1987 in the case of Church of Scientology of California v. Russell Miller & Penguin Books Limited in the High Court of Justice in London, England, Case no. 6140, that I "had knowingly violated orders issued by Los Angeles Superior Court." Mr. Long states (Ex. G, para. 3) that : "[t]aken together, my October, 1987 affidavits demonstrate that:

- a. In August, 1982, Armstrong was ordered by Judge John L. Cole to surrender certain documents and materials to the custody of the Clerk of the Los Angeles Superior Court.



b. Armstrong later attested on numerous occasions, that he had surrendered all such documents and materials, and that he had none in his possession.

c. In January, 1987, following settlement of Scientology (sic) of California ("CSC"), Armstrong turned over to CSC all Church-related documents in his possession. I personally inspected the documents turned over by Armstrong, and found a number of copies of the documents which Armstrong had previously sworn that he had surrendered to the Clerk of the Court.

d. Based on my discovery of these documents, I concluded that Armstrong had intentionally perjured himself on numerous occasions, and had as well knowingly violated orders issued by judges at all levels ranging from the Los Angeles Superior Court to the Supreme Court of the United States."

Mr. Long then explains that his "affidavits, therefore, were required to detail the elements of the breach of confidence claim against Miller and Penguin, and the claim could not have been brought without explaining the underlying actions taken by Armstrong."

18. At paragraph 7 of the 3-15-90 declaration I state that during our conversation of October 25, 1989 Mr. Heller "said I had a contractual obligation to the organization, which it had paid a lot of money for, not to divulge confidential information, and that if I answered (deposition questions about such things as L. Ron Hubbard's misrepresentations) I would have breached the settlement agreement and may get sued." At para. 44 of the 3-15-90 declaration I state that "Mr. Heller reiterated at the end of our conversation that if I start to testify, for example about the Hubbard biography project, or things he and the organization consider irrelevant, they



will carefully examine their rights as to what action they will take." At para 51 I state that "[o]n February 15, 1990 I received a telephone call from attorney Michael Tabb, a partner of Michael Flynn, who said that he had been called by Larry Heller who told him that the organization considered I had violated the settlement agreement by being in the courthouse to be served in Yanney, that they intended to prove it, and that I would be sued." (See also para. 48 where I describe being served with a trial subpoena in the case of Religious Technology Center, et al. v. Joseph Yanney, LASC No. C690211.) In a declaration I executed on March 26, 1990, a copy of which is attached hereto as Exhibit H, I describe at para 4 another instance of threatened litigation from Mr. Heller. "On March 21 I spoke by telephone with attorney Michael Flynn, counsel of record in Armstrong, who said that he had been called by Mr. Heller two or three weeks before. Mr. Heller told Mr. Flynn that I was sitting in the courtroom in the Yanney trial and that if I testified in Yanney I would be in violation of the settlement agreement and I would be sued. Mr. Heller asked Mr. Flynn to call me and tell me not to testify. Mr. Flynn said no. The day I had been present at the Yanney trial was March 5, 1990."

19. On April 4, 1990 I was served with a subpoena duces tecum applied for by Author Services, Inc. and Bridge Publications, Inc., two organization entities, a copy of which is attached hereto as Exhibit I, ordering my production of any sound recordings or other records I possessed of my telephone conversations with Mr. Heller, at a deposition in Corydon on April 24. Toby Plevin, Mr. Corydon's attorney, had apparently stated at the hearing of the motion for an order directing non-interference with witnesses (see para. 15 ) that I had a recording of my side of one or more of my conversations with Mr. Heller. Ms. Plevin had already scheduled my



deposition, which had been the subject of the organization's motion of October 31, 1989 to prevent its being taken (see para.13), for April 24 and 25. The deposition went forward on those days and I produced for the organization my notes of Mr. Heller's telephone conversations with me of October 23 and 25 and November 20, 1989, attached hereto as Exhibits J, K and L respectively, and a cassette recording of my side of the November 20, 1989 conversation, a transcript of which is attached hereto as Exhibit M. I can translate and interpret the scrawled notes if called upon to do so. It is my opinion that the notes and transcript show that my account in the 3-15-90 declaration of my communications with Mr. Heller is accurate.

20. In the 3-15-90 declaration at para. 30 I stated that "I consider that [Kenneth] Long's assertions of what documents were sealed, when they were sealed and where they originated are erroneous, and his conclusion that I had violated the Los Angeles Superior Court's sealing orders fallacious." Mr. Long based his proof that I had violated the sealing order on three "Helen O'Brien letters," which were among the documents delivered to the Court by my attorneys in September 1982, hereinafter referred to as the "Armstrong documents." Mr. Long found among the documents I delivered to the organization in January 1987 pursuant to the settlement agreement photocopies of the three letters. He concluded that I had retained copies of the letters when the Armstrong documents had been delivered to the Court where they remained until the settlement. And he concluded that, because Mr. Miller had copies of the same Helen O'Brien letters, I had violated the Court's sealing orders. I first saw the three letters, I believe in 1980, in Los Angeles in the possession of Helen O'Brien, who had been a major figure in Hubbard's organization in the United States in the early 1950's. They were part of a collection of documents I arranged to purchase from Ms. O'Brien for



L. Ron Hubbard's archives. After purchasing all of the Helen O'Brien documents I copied them and provided them to Omar Garrison in 1981 for his use in the Hubbard biography project. Some of them I retrieved from Mr. Garrison in the summer of 1982 and sent to my attorneys in anticipation of their need in litigation with the organization. These were the Armstrong documents. Prior to selling her documents to the Hubbard archives Ms. O'Brien allowed a collector of Hubbardinia, Jamie Macuuchi (sp?), who had also wanted to purchase her collection, to copy them. The copies Mr. Macuuchi made were recopied and distributed to many people, including, as shown in the Long affidavits filed in Miller, supra, Mr. Newman, Mr. Caven-Attack and Mr. Miller. In 1986 I was also sent a copy of the Macuuchi/O'Brien letters, and these were included as Mr. Long states in the documents I delivered to the organization in January 1987. I believe that the facts in this matter show that I complied with the LA Superior Court's orders and any sealing order issued by any court up to the Supreme Court of the United States, and that I fulfilled my part of the settlement agreement.

21. Attached hereto as Exhibit N is a copy of a "final adverse ruling" dated July 8, 1988 from the Internal Revenue Service to The Church of Spiritual Technology denying its application for tax exempt status. At page 3 of the ruling, which cites several times to Armstrong, the IRS states:

"In support of the protest (protest conference was held in January 1987) to our initial adverse ruling, we were supplied with copies of affidavits dated December 4, 1986, from Gerald Armstrong and Laurel Sullivan. Ms. Sullivan was the person in charge of the MCCS project (the organization's Mission Corporate Category Sort-out, the purpose of which was to devise a new organizational structure to conceal L. Ron Hubbard's continued control). The affidavits state that the new church management



'seems to have returned to the basic and lawful policies and procedures as laid out by the founder of the religion, L. Ron Hubbard.' The affidavits conclude as follows: 'Because of the foregoing, I no longer have any conflict with the Church of Scientology or individual members affiliated with the Church. Accordingly I have executed a mutual release agreement with the Church of Scientology and sign this affidavit in order to signify that I have no quarrel with the Church of Scientology or any of its members.'

Fortunately the IRS did not give much weight to the affidavits, which had been used by one of the organization's spinoff corporations (COST) in immediate violation of the promise of Mr. Flynn that they would not be so used (para. 10 supra), stating at page 4 of its ruling that "[t]he fact that Mr. Armstrong and Ms. Sullivan elected to settle their personal differences with Scientology does not detract from the relevance of the statements they previously made concerning Mr. Hubbard's use of Scientology organizations to serve his private interest."

22. During the April 24 and 25, 1990 deposition in Corydon I was shown and authenticated several documents, copies of three of which, all declarations filed in Armstrong, are attached hereto as Exhibits O, P and Q. The declarations and their exhibits deal mainly with three major organization subjects: a. the use by the organization of supposedly confidential statements made by individuals undergoing organization therapy (auditing) against the individuals; b. obstruction of justice; c. "fair game", pursuant to which the auditing confidentiality violations and the obstruction of justice are carried out. Fair game is the name given by L. Ron Hubbard to his philosophy of opportunistic hatred directed at anyone he didn't like. Over his entire adult life he used hatred and acts which flow from hatred (lying, cheating, stealing, compromising, entrapping, obstructing,



bullying, blackmailing, destroying) as the solution to his problems -- with doctors, psychologists, government agencies, the courts, critics, his family and innocent individuals. The people who have replaced Mr. Hubbard since his retirement from active management employ the same philosophy of opportunistic hatred in dealing with the problems they inherited from him and those they created newly as they employed his fair game solution. I have been the target of Hubbardian fair game for many years and have a deep understanding of the philosophy and acts which flow from it. In truth I do not represent the slightest threat to the organization. I do, however, represent a threat to fair game by being willing to be its target. The organization will exist long after fair game is renounced and gone. The organization as a hate group cannot last because fair game is such a silly and ineffective philosophy. Fair play is a better deal.

23. Exhibit O is a declaration I executed on October 11, 1986 to show that the organization had violated the LA Superior Court's orders in Armstrong to produce the files its intelligence bureau maintained on me. The declaration details years of fair game operations directed at me and the organization's obstruction of legitimate discovery concerning the operations.

24. Exhibit P is a declaration I executed on November 1, 1986 and filed in support of an opposition to the organization's motion for summary adjudication. The declaration lays out my knowledge from 1969 through 1986 of the fraud of promised sanctity of information divulged in auditing and the actual use made of this information pursuant to fair game.

25. Exhibit Q is a declaration I executed on November 18, 1986 and filed in support of an opposition to the organization's motion to continue the trial of my cross-complaint which was then set for January 19, 1987. The declaration, which is the last I prepared prior to the December 1986



settlement, deals with the organization's obstruction of justice, acts of opportunistic hatred, and the alteration of my life by its acts.

26. The Armstrong court file contains overwhelming proof that L. Ron Hubbard lied about his past, his status, his credentials, his health, his philosophy, the efficacy of his therapy, and his intent. The file contains overwhelming proof of fair game in action through this year, of the violations of auditing sanctity at least through 1986, and of organized obstruction of justice on a massive scale to this date. It contains the story of an individual of no particular power or position who spoke out against the lies and against fair game. It is a story of intelligence operations, black propaganda, threats, acts of violence, spiritual and psychological perversions, and bad apples from the lawyer barrel. It contains a picture of what may happen to anyone of no particular power or position who dares to speak out against lies and fair game. The contents of the file are relevant to anyone who was drawn into the organization, either as a client or as a staff member, by any representation made by the organization. The contents of the file are relevant to anyone who has ever undergone auditing (and everyone in the organization does) and to anyone who is considering becoming involved with the organization. The contents are relevant to anyone involved in litigation with the organization or seeking to correct the organization's abuses. The file is relevant to the media, sociologists, psychologists, courts, law enforcement, and legislatures.

27. The organization was given a period of years following the settlement to clean up its act. The other settling litigants and I honored our agreements, removing ourselves as threats and allowing the organization the opportunity to change its combative attitude and behavior (see para 9, supra). It did not use its opportunity for anything but opportunism. Since



the settlement it has itself flagrantly violated court sealing orders, its lawyers have threatened me with lawsuits, it has continued its black propaganda attack on me, it has filed false affidavits about me, and it has used my good will to obstruct justice in countless courts. It is my opinion that full disclosure, including the unsealing of the Armstrong file and the publication of this and my other declarations, will not harm the organization in the least. It is my opinion that full disclosure will relieve the organization of the burden of concealing its fair game philosophy and its past, and relieve it of its unfounded fear of what disclosure might portend. And disclosure will eliminate possible further fair game acts to prevent disclosure. It is my opinion that there need not be hostility to achieve peace.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 25th day of December, 1990, at Sleepy Hollow, California.

A handwritten signature in dark ink, appearing to be 'G. Armstrong', written over a horizontal line. The signature is stylized with a large, looping flourish that extends to the right.

Gerald Armstrong



MUTUAL RELEASE OF ALL CLAIMS AND SETTLEMENT AGREEMENT

1. This Mutual Release of All Claims and Settlement Agreement is made between Church of Scientology International (hereinafter "CSI") and Gerald Armstrong, (hereinafter "Plaintiff") Cross-Complainant in Gerald Armstrong v. Church of Scientology of California, Los Angeles Superior Court, Case No. 420 153. By this Agreement, Plaintiff hereby specifically waives and releases all claims he has or may have from the beginning of time to and including this date, including all causes of action of every kind and nature, known or unknown for acts and/or omissions against the officers, agents, representatives, employees, volunteers, directors, successors, assigns and legal counsel of CSI as well as the Church of Scientology of California, its officers, agents, representatives, employees, volunteers, directors, successors, assigns and legal counsel; Religious Technology Center, its officers, agents, representatives, employees, volunteers, directors, successors, assigns and legal counsel; all Scientology and Scientology affiliated organizations and entities and their officers, agents, representatives, employees, volunteers, directors, successors, assigns and legal counsel; Author Services, Inc., its officers, agents, representatives, employees, volunteers, directors, successors, assigns and legal counsel; L. Ron Hubbard, his heirs, beneficiaries, Estate and its executor; Author's Family Trust, its beneficiaries and its trustee; and Mary Sue Hubbard, (all hereinafter collectively referred to as the



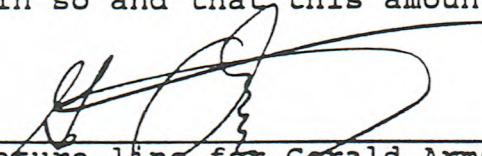
"Releasees"). The parties to this Agreement hereby agree as follows:

2. It is understood that this settlement is a compromise of doubtful and disputed claims, and that any payment is not to be construed, and is not intended, as an admission of liability on the part of any party to this Agreement, specifically, the Releasees, by whom liability has been and continues to be expressly denied. In executing this settlement Agreement, Plaintiff acknowledges that he has released the organizations, individuals and entities listed in the above paragraph, in addition to those defendants actually named in the above lawsuit, because among other reasons, they are third party beneficiaries of this Agreement.

3. Plaintiff has received payment of a certain monetary sum which is a portion of a total sum of money paid to his attorney, Michael J. Flynn. The total sum paid to Mr. Flynn is to settle all of the claims of Mr. Flynn's clients. Plaintiff's portion of said sum has been mutually agreed upon by Plaintiff and Michael J. Flynn. Plaintiff's signature below this paragraph acknowledges that Plaintiff is completely satisfied with the monetary consideration negotiated with and received by Michael J. Flynn. Plaintiff acknowledges that there has been a block settlement between Plaintiff's attorney, Michael J. Flynn, and the Church of Scientology and Churches and entities related to the Church of Scientology, concerning all of Mr. Flynn's clients who were in litigation with any Church of Scientology or related entity. Plaintiff has received a portion of this block



amount, the receipt of which he hereby acknowledges. Plaintiff understands that this amount is only a portion of the block settlement amount. The exact settlement sum received by Plaintiff is known only to Plaintiff and his attorney, Michael J. Flynn, and it is their wish that this remain so and that this amount remain confidential.

  
\_\_\_\_\_  
Signature line for Gerald Armstrong

4. For and in consideration of the above described consideration, the mutual covenants, conditions and release contained herein, Plaintiff does hereby release, acquit and forever discharge, for himself, his heirs, successors, executors, administrators and assigns, the Releasees, including Church of Scientology of California, Church of Scientology International, Religious Technology Center, all Scientology and Scientology affiliated organizations and entities, Author Services, Inc. (and for each organization or entity, its officers, agents, representatives, employees, volunteers, directors, successors, assigns and legal counsel); L. Ron Hubbard, his heirs, beneficiaries, Estate and its executor; Author's Family Trust, its beneficiaries and trustee; and Mary Sue Hubbard, and each of them, of and from any and all claims, including, but not limited to, any claims or causes of action entitled Gerald Armstrong v. Church of Scientology of California, Los Angeles Superior Court, Case No. 420 153 and all demands, damages, actions and causes of actions of every kind and nature, known or unknown,



for or because of any act or omission allegedly done by the Releasees, from the beginning of time to and including the date hereof. Therefore, Plaintiff does hereby authorize and direct his counsel to dismiss with prejudice his claims now pending in the above referenced action. The parties hereto will execute and cause to be filed a joint stipulation of dismissal in the form of the one attached hereto as Exhibit "A".

A. It is expressly understood by Plaintiff that this release and all of the terms thereof do not apply to the action brought by the Church of Scientology against Plaintiff for Conversion, Fraud and other causes of action, which action has already gone to trial and is presently pending before the Second District, Third Division of the California Appellate Court (Appeal No. B005912). The disposition of those claims are controlled by the provisions of the following paragraph hereinafter.

B. As of the date this settlement Agreement is executed, there is currently an appeal pending before the California Court of Appeal, Second Appellate District, Division 3, arising out of the above referenced action delineated as Appeal No. B005912. It is understood that this appeal arises out of the Church of Scientology's complaint against Plaintiff which is not settled herein. This appeal shall be maintained notwithstanding this Agreement. Plaintiff agrees to waive any rights he may have to take any further appeals from any decision eventually reached by the Court of Appeal or any rights he may have to oppose (by responding brief or any other means) any further appeals taken by the Church of



Scientology of California. The Church of Scientology of California shall have the right to file any further appeals it deems necessary.

5. For and in consideration of the mutual covenants, conditions and release contained herein, and Plaintiff dismissing with prejudice the action Gerald Armstrong v. Church of Scientology of California, Los Angeles Superior Court, Case No. 420 153, the Church of Scientology of California does hereby release, acquit and forever discharge for itself, successors and assigns, Gerald Armstrong, his agents, representatives, heirs, successors, assigns, legal counsel and estate and each of them, of and from any and all claims, causes of action, demands, damages and actions of every kind and nature, known or unknown, for or because of any act or omission allegedly done by Gerald Armstrong from the beginning of time to and including the date hereof.

6. In executing this Agreement, the parties hereto, and each of them, agree to and do hereby waive and relinquish all rights and benefits afforded under the provisions of Section 1542 of the Civil Code of the State of California, which provides as follows:

"A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."

7. Further, the undersigned hereby agree to the following:

A. The liability for all claims is expressly denied by the parties herein released, and this final compromise and



settlement thereof shall never be treated as an admission of liability or responsibility at any time for any purpose.

B. Plaintiff has been fully advised and understands that the alleged injuries sustained by him are of such character that the full extent and type of injuries may not be known at the date hereof, and it is further understood that said alleged injuries, whether known or unknown at the date hereof, might possibly become progressively worse and that as a result, further damages may be sustained by Plaintiff; nevertheless, Plaintiff desires by this document to forever and fully release the Releasees. Plaintiff understands that by the execution of this release no further claims arising out of his experience with, or actions by, the Releasees, from the beginning of time to and including the date hereof, which may now exist or which may exist in the future may ever be asserted by him or on his behalf, against the Releasees.

C. Plaintiff agrees to assume responsibility for the payment of any attorney fee, lien or liens, imposed against him past, present, or future, known or unknown, by any person, firm, corporation or governmental entity or agency as a result of, or growing out of any of the matters referred to in this release. Plaintiff further agrees to hold harmless the parties herein released, and each of them, of and from any liability arising therefrom.

D. Plaintiff agrees never to create or publish or attempt to publish, and/or assist another to create for publication by means of magazine, article, book or other



similar form, any writing or to broadcast or to assist another to create, write, film or video tape or audio tape any show, program or movie, or to grant interviews or discuss with others, concerning their experiences with the Church of Scientology, or concerning their personal or indirectly acquired knowledge or information concerning the Church of Scientology, L. Ron Hubbard or any of the organizations, individuals and entities listed in Paragraph 1 above. Plaintiff further agrees that he will maintain strict confidentiality and silence with respect to his experiences with the Church of Scientology and any knowledge or information he may have concerning the Church of Scientology, L. Ron Hubbard, or any of the organizations, individuals and entities listed in Paragraph 1 above. Plaintiff expressly understands that the non-disclosure provisions of this subparagraph shall apply, inter alia, but not be limited, to the contents or substance of his complaint on file in the action referred to in Paragraph 1 hereinabove or any documents as defined in Appendix "A" to this Agreement, including but not limited to any tapes, films, photographs, recastings, variations or copies of any such materials which concern or relate to the religion of Scientology, L. Ron Hubbard, or any of the organizations, individuals, or entities listed in Paragraph 1 above. The attorneys for Plaintiff, subject to the ethical limitations restraining them as promulgated by the state or federal regulatory associations or agencies, agree not to disclose any of the terms and conditions of the settlement negotiations, amount of the



settlement, or statements made by either party during settlement conferences. Plaintiff agrees that if the terms of this paragraph are breached by him, that CSI and the other Releasees would be entitled to liquidated damages in the amount of \$50,000 for each such breach. All monies received to induce or in payment for a breach of this Agreement, or any part thereof, shall be held in a constructive trust pending the outcome of any litigation over said breach. The amount of liquidated damages herein is an estimate of the damages that each party would suffer in the event this Agreement is breached. The reasonableness of the amount of such damages are hereto acknowledged by Plaintiff.

E. With exception to the items specified in Paragraph 7(L), Plaintiff agrees to return to the Church of Scientology International at the time of the consummation of this Agreement, all materials in his possession, custody or control (or within the possession, custody or control of his attorney, as well as third parties who are in possession of the described documents), of any nature, including originals and all copies or summaries of documents defined in Appendix "A" to this Agreement, including but not limited to any tapes, computer disks, films, photographs, recastings, variations or copies of any such materials which concern or relate to the religion of Scientology, L. Ron Hubbard or any of the organizations, individuals or entities listed in Paragraph 1 above, all evidence of any nature, including evidence obtained from the named defendants through discovery, acquired for the purposes of this lawsuit or any lawsuit, or acquired for any other purpose



concerning any Church of Scientology, any financial or administrative materials concerning any Church of Scientology, and any materials relating personally to L. Ron Hubbard, his family, or his estate. In addition to the documents and other items to be returned to the Church of Scientology International listed above and in Appendix "A", Plaintiff agrees to return the following:

(a) All originals and copies of the manuscript for the work "Excalibur" written by L. Ron Hubbard;

(b) All originals and copies of documents commonly known as the "Affirmations" written by L. Ron Hubbard; and

(c) All documents and other items surrendered to the Court by Plaintiff and his attorneys pursuant to Judge Cole's orders of August 24, 1982 and September 4, 1982 and all documents and other items taken by the Plaintiff from either the Church of Scientology or Omar Garrison. This includes all documents and items entered into evidence or marked for identification in Church of Scientology of California v. Gerald Armstrong, Case No. C 420 153. Plaintiff and his attorney will execute a Joint Stipulation or such other documents as are necessary to obtain these documents from the Court. In the event any documents or other items are no longer in the custody or control of the Los Angeles Superior Court, Plaintiff and his counsel will assist the Church in recovering these documents as quickly as possible, including but not limited to those tapes and other documents now in the possession of the United States District Court in the case of United States v. Zolin, Case No. CV



85-0440-HLH(Tx), presently on appeal in the Ninth Circuit Court of Appeals. In the event any of these documents are currently lodged with the Court of Appeal, Plaintiff and his attorneys will cooperate in recovering those documents as soon as the Court of Appeal issues a decision on the pending appeal.

To the extent that Plaintiff does not possess or control documents within categories A-C above, Plaintiff recognizes his continuing duty to return to CSI any and all documents that fall within categories A-C above which do in the future come into his possession or control.

F. Plaintiff agrees that he will never again seek or obtain spiritual counselling or training or any other service from any Church of Scientology, Scientologist, Dianetics or Scientology auditor, Scientology minister, Mission of Scientology, Scientology organization or Scientology affiliated organization.

G. Plaintiff agrees that he will not voluntarily assist or cooperate with any person adverse to Scientology in any proceeding against any of the Scientology organizations, individuals, or entities listed in Paragraph 1 above. Plaintiff also agrees that he will not cooperate in any manner with any organizations aligned against Scientology.

H. Plaintiff agrees not to testify or otherwise participate in any other judicial, administrative or legislative proceeding adverse to Scientology or any of the Scientology Churches, individuals or entities listed in Paragraph 1 above unless compelled to do so by lawful subpoena or other lawful process. Plaintiff shall not make



himself amenable to service of any such subpoena in a manner which invalidates the intent of this provision. Unless required to do so by such subpoena, Plaintiff agrees not to discuss this litigation or his experiences with and knowledge of the Church with anyone other than members of his immediate family. As provided hereinafter in Paragraph 18(d), the contents of this Agreement may not be disclosed.

I. The parties hereto agree that in the event of any future litigation between Plaintiff and any of the organizations, individuals or entities listed in Paragraph 1 above, that any past action or activity, either alleged in this lawsuit or activity similar in fact to the evidence that was developed during the course of this lawsuit, will not be used by either party against the other in any future litigation. In other words, the "slate" is wiped clean concerning past actions by any party.

J. It is expressly understood and agreed by Plaintiff that any dispute between Plaintiff and his counsel as to the proper division of the sum paid to Plaintiff by his attorney of record is between Plaintiff and his attorney of record and shall in no way affect the validity of this Mutual Release of All Claims and Settlement Agreement.

K. Plaintiff hereby acknowledges and affirms that he is not under the influence of any drug, narcotic, alcohol or other mind-influencing substance, condition or ailment such that his ability to fully understand the meaning of this Agreement and the significance thereof is adversely affected.



L. Notwithstanding the provisions of Paragraph 7(E) above, Plaintiff shall be entitled to retain any artwork created by him which concerns or relates to the religion of Scientology, L. Ron Hubbard or any of the organizations, individuals or entities listed in Paragraph 1 above provided that such artwork never be disclosed either directly or indirectly, to anyone. In the event of a disclosure in breach of this Paragraph 7(L), Plaintiff shall be subject to the liquidated damages and constructive trust provisions of Paragraph 7(D) for each such breach.

8. Plaintiff further agrees that he waives and relinquishes any right or claim arising out of the conduct of any defendant in this case to date, including any of the organizations, individuals or entities as set forth in Paragraph 1 above, and the named defendants waive and relinquish any right or claim arising out of the conduct of Plaintiff to date.

9. This Mutual Release of All Claims and Settlement Agreement contains the entire agreement between the parties hereto, and the terms of this Agreement are contractual and not a mere recital. This Agreement may be amended only by a written instrument executed by Plaintiff and CSI. The parties hereto have carefully read and understand the contents of this Mutual Release of All Claims and Settlement Agreement and sign the same of their own free will, and it is the intention of the parties to be legally bound hereby. No other prior or contemporaneous agreements, oral or written, respecting such matters, which are not specifically



incorporated herein shall be deemed to in any way exist or bind any of the parties hereto.

10. Plaintiff agrees that he will not assist or advise anyone, including individuals, partnerships, associations, corporations, or governmental agencies contemplating any claim or engaged in litigation or involved in or contemplating any activity adverse to the interests of any entity or class of persons listed above in Paragraph 1 of this Agreement.

11. The parties to this Agreement acknowledge the following:

A. That all parties enter into this Agreement freely, voluntarily, knowingly and willingly, without any threats, intimidation or pressure of any kind whatsoever and voluntarily execute this Agreement of their own free will;

B. That all parties have conducted sufficient deliberation and investigation, either personally or through other sources of their own choosing, and have obtained advice of counsel regarding the terms and conditions set forth herein, so that they may intelligently exercise their own judgment in deciding whether or not to execute this Agreement; and

C. That all parties have carefully read this Agreement and understand the contents thereof and that each reference in this Agreement to any party includes successors, assigns, principals, agents and employees thereof.

12. Each party shall bear its respective costs with respect to the negotiation and drafting of this Agreement and



all acts required by the terms hereof to be undertaken and performed by that party.

13. To the extent that this Agreement inures to the benefit of persons or entities not signatories hereto, this Agreement is hereby declared to be made for their respective benefits and uses.

14. The parties shall execute and deliver all documents and perform all further acts that may be reasonably necessary to effectuate the provisions of this Agreement.

15. This Agreement shall not be construed against the party preparing it, but shall be construed as if both parties prepared this Agreement. This Agreement shall be construed and enforced in accordance with the laws of the State of California.

16. In the event any provision hereof be unenforceable, such provision shall not affect the enforceability of any other provision hereof.

17. All references to the plural shall include the singular and all references to the singular shall include the plural. All references to gender shall include both the masculine and feminine.

18.(A) Each party warrants that they have received independent legal advice from their attorneys with respect to the advisability of making the settlement provided for herein and in executing this Agreement.

(B) The parties hereto (including any officer, agent, employee, representative or attorney of or for any party) acknowledge that they have not made any statement,



representation or promise to the other party regarding any fact material to this Agreement except as expressly set forth herein. Furthermore, except as expressly stated in this Agreement, the parties in executing this Agreement do not rely upon any statement, representation or promise by the other party (or of any officer, agent, employee, representative or attorney for the other party).

(C) The persons signing this Agreement have the full right and authority to enter into this Agreement on behalf of the parties for whom they are signing.

(D) The parties hereto and their respective attorneys each agree not to disclose the contents of this executed Agreement. Nothing herein shall be construed to prevent any party hereto or his respective attorney from stating that this civil action has been settled in its entirety.

(E) The parties further agree to forbear and refrain from doing any act or exercising any right, whether existing now or in the future, which act or exercise is inconsistent with this Agreement.

19. Plaintiff has been fully advised by his counsel as to the contents of this document and each provision hereof. Plaintiff hereby authorizes and directs his counsel to dismiss with prejudice his claims now pending in the action entitled Gerald Armstrong v. Church of Scientology of California, Los Angeles Superior Court, Case No. 420 153.

20. Notwithstanding the dismissal of the lawsuit pursuant to Paragraph 4 of this Agreement, the parties hereto agree that the Los Angeles Superior Court shall retain

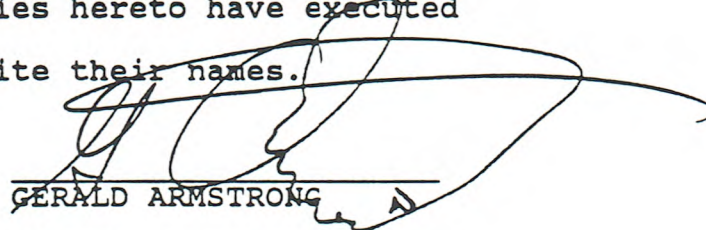


jurisdiction to enforce the terms of this Agreement. This Agreement may be enforced by any legal or equitable remedy, including but not limited to injunctive relief or declaratory judgment where appropriate. In the event any party to this Agreement institutes any action to preserve, to protect or to enforce any right or benefit created hereunder, the prevailing party in any such action shall be entitled to the costs of suit and reasonable attorney's fees.

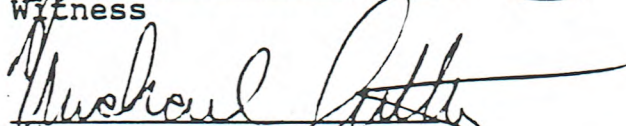
21. This Agreement may be executed in two or more counterparts, each of which shall be deemed to be a duplicate original, but all of which, together, shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, on the date opposite their names.

Dated: December 6, 1985

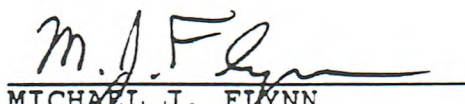
  
GERALD ARMSTRONG

  
Witness

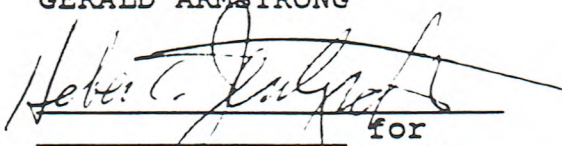
  
Witness

Dated: 12/6/86

APPROVED AS TO FORM AND  
CONTENT:

  
MICHAEL J. FLYNN  
Attorney for  
GERALD ARMSTRONG

Dated: December 11, 1986

  
for  
CHURCH OF SCIENTOLOGY  
INTERNATIONAL



IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT  
DIVISION FOUR  
Civ. No. B 038975  
(Super. Ct. No. C420153)

---

CHURCH OF SCIENTOLOGY OF CALIFORNIA  
and MARY SUE HUBBARD,

Appellants,

-against-

GERALD ARMSTRONG,

Defendant.

---

BENT CORYDON,

Appellee.

---

Appeal from Superior Court of California  
County of Los Angeles  
Judge Bruce R. Geernaert

---

APPELLANTS' OPPOSITION TO DEFENDANT'S  
PETITION FOR PERMISSION TO FILE  
RESPONSE AND FOR TIME TO FILE

---

Defendant Gerald Armstrong, who did not participate in the proceedings below upon which these appeals are based and who took no appeal from the underlying orders below, has sought leave for permission to file a brief herein and for an extension of 60 days in which to do so. Defendant's petition for leave should be denied, for the reasons stated below:



1. This appeal and cross-appeal are from orders of the Superior Court below granting in part and denying in part the applications of Bent Corydon to unseal the file in this case. The file in this case was sealed pursuant to a settlement agreement and stipulation entered into, through counsel, by the plaintiffs Church of Scientology of California and Mary Sue Hubbard, on the one hand, and the defendant, Gerald Armstrong, on the other hand. As set forth in the appellants' briefs herein, the sealing of the file was an essential part of the settlement agreement, pursuant to which Mr. Armstrong received a substantial sum of money in settlement of his cross-complaint.

Mr. Armstrong thereby explicitly agreed to, and thereby waived any objection to, the sealing of the file herein. He has no recognizable interest in the outcome of this appeal.

2. Mr. Armstrong's counsel of record in this case was informed and aware of the proceedings below initiated by Mr. Corydon. Counsel for appellants, indeed, mailed complete sets of all such papers to Mr. Armstrong's counsel. Mr. Armstrong, through his counsel, did not participate in the proceedings below, and chose not to notice an appeal from any of the orders entered below.

Mr. Armstrong did file a pleading in this Court objecting to the inclusion of certain exhibits to a document filed by Mr. Corydon on December 23, 1988, and asking this Court to seal those exhibits. Significantly, in his pleading Mr. Armstrong supported the position of the appellants herein, stating: "Numerous materials in the Armstrong case filed [sic]



were sealed at the behest of both parties as part of the settlement of the case. That sealing was an intrical [sic] part of the settlement, which settlement should not be undone."

This appeal thereafter has proceeded with full briefing by the parties, the last brief having been filed on January 18, 1990. Now, over one month later, Mr. Armstrong seeks 60 days to file a brief in a proceeding over which he has exhibited little concern and asserted no legal interest, other than to maintain the seal on the file. In seeking such relief, Mr. Armstrong has apparently fired his counsel of record and is purportedly proceeding pro se, while stating that he hopes to retain new counsel in the future.

Mr. Armstrong has provided no reasons why he should be permitted to delay the proceedings in this appeal at this late date. He has not identified what interests he wishes to assert. He has not stated why he did not instruct his attorneys of record to file or seek to file a brief at the proper stages of this appeal.

Mr. Armstrong's request should be denied because of his failure to participate or assert an interest in the proceedings below, because he has waived whatever interest he may have, and because his application is untimely.

3. Mr. Armstrong further states that he is barred from filing a brief by the settlement agreement which he entered into in this case. Mr. Armstrong did waive the right to file any further briefs in opposition to positions asserted by the appellants arising out of this case. He did so freely and in

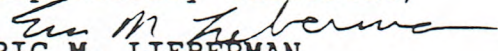


substantial settlement of his cross-complaint. He has stated no reason to be relieved from his prior agreement.

CONCLUSION

For the reasons stated above, Mr. Armstrong's "petition" should be denied in all respects.

Respectfully submitted,

  
ERIC M. LIEBERMAN  
RABINOWITZ, BOUDIN, STANDARD,  
KRINSKY & LIEBERMAN  
740 Broadway - Fifth Floor  
New York, New York 10003-9518  
(212) 254-0111

MICHAEL LEE HERTZBERG  
740 Broadway - Fifth Floor  
New York, New York 10003-9518  
(212) 982-9870

Counsel for Appellants

Dated: March 6, 1990



CERTIFICATE OF SERVICE

STATE OF NEW YORK )  
                              ) ss.:  
COUNTY OF NEW YORK)

Simone Leak, being duly sworn deposes and says, that she is not a party to the action, is over 18 years of age and resides in New York, New York. That on the 6th day of March, 1990, she served the within Appellants' Opposition to Defendant's Petition for Permission to File Response and for Time to File upon:

CLERK OF THE SUPERIOR COURT  
111 North Hill Street  
Los Angeles, California 90012

TOBY L. PLEVIN, ESQ.  
6380 Wilshire Blvd., Suite 1600  
Los Angeles, California 90048

PAUL MORANTZ, ESQ.  
P.O. Box 511  
Pacific Palisades, California 90272

MICHAEL J. FLYNN, ESQ.  
FLYNN, SHERIDAN & TABB  
One Boston Place, 26th Floor  
Boston, Massachusetts 02108

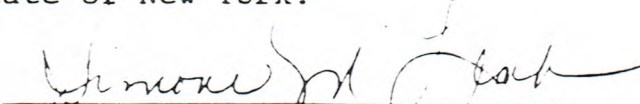
JULIA DRAGOJEVIC, ESQ.  
CONTOS & BUNCH  
5855 Topanga Canyon Blvd., #400  
Woodland Hills, California 91367

GERALD ARMSTRONG  
6838 Charing Cross Road  
Berkeley, California 94705

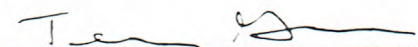
the addresses designated by said attorneys for that purpose, by depositing a true copy of same enclosed in a post-paid properly addressed wrapper, in a post office official



depository under the exclusive care and custody of the United States Postal Service within the State of New York.

  
SIMONE LEAK

Sworn to before me  
this 6th day of March, 1990

  
NOTARY PUBLIC

**TERRY GROSS**  
Notary Public, State of New York  
No. 31-4942893  
Qualified in New York County  
Commission Expires October 11, 1992



IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT  
DIVISION FOUR  
Civ. No. B 038975  
(Super. Ct. No. C420153)

---

CHURCH OF SCIENTOLOGY OF CALIFORNIA  
and MARY SUE HUBBARD,

Appellants,

-against-

GERALD ARMSTRONG

Defendant.

---

BENT CORYDON,

Appellee.

---

Appeal from Superior Court of California  
County of Los Angeles  
Judge Bruce R. Geernaert

---

DEFENDANT'S REPLY TO APPELLANTS' OPPOSITION  
TO PETITION FOR PERMISSION TO FILE  
RESPONSE AND FOR TIME

---

1  
C.



I apologize for the thickness of this book, especially when appellants' opposition is but four pages. I am hoping that the complexity of this matter excuses to some extent my literary burden upon the court.

Forming the bulk of this reply is my declaration of March 15, 1990, which, although not prepared specifically to support this reply, provides many of the facts underlying the issues appellants have raised in their opposition and makes my position and why I am before this court in this manner understandable.

Turning to appellants' reasons why my petition should be denied:

1. It has become apparent to me that sealing the court file in this case has come to be an obstruction of justice. I believe I have a right to not obstruct justice. I do not agree that the sealing of the court file was essential to the settlement.

The validity of the settlement agreement is in question as shown in my March 15 declaration. Appellants have used the agreement to obstruct justice and to attempt to re-write history, including my own history. I therefore have a strong interest in the outcome of this appeal.

2. I did not fire Michael Flynn, my counsel of record in this case. It is my understanding that Mr. Flynn and all the lawyers in his law firm and all the lawyers involved in the litigation against the various Scientology organizations, hereinafter called "the organization," in the Contos & Bunch firm, which also represented me in the underlying case, are barred by agreement with the organization as part of the December 1986 settlement from further representation of anyone involved in litigation against the organization.

Since the settlement, moreover, each of these lawyers has expressed to me in some way an unwillingness to ever become involved again. Mr.



Flynn, the moving spirit in the pre-settlement litigation, has been emphatic on this point. The organization and its lawyers' attacks on Mr. Flynn are legendary; and each of the lawyers who represented me in the underlying case experienced the organization's abusive use of law and threatening conduct.

After the settlement I continued to communicate with lawyers from both Flynn, Sheridan & Tabb and Contos & Bunch as circumstances demanded. I consider all of these lawyers among my closest and most trusted friends, and I consider them my lawyers. But for Scientology-related matters they have not represented me since the settlement.

Legal representation was not an issue, however, until October 1989 when I again became intensely involved with the organization as my declaration shows. At that time both Mr. Flynn and I advised Larry Heller, a supervising organization attorney, that Mr. Flynn was not representing me and that I did not have a lawyer for organization matters (see paragraphs 4 and 5 of my declaration).

Over the next few months Flynn, Sheridan & Tabb and Contos & Bunch sent me the various post-settlement documents concerning me which they had received in their offices. On January 18, 1990 I received appellants' opening brief in their appeal No. B 025920 in Division Three. At that point I began to research my rights and responsibilities in that appeal. On January 30 I received appellants' reply brief and response to cross-appeal in this appeal before this court. I have also now received appellants' opening brief, but have not received Bent Corydon's respondent's brief, although I expect to receive it in the next few days.

On February 28 my petition for permission to file a respondent's brief was filed in the appeal in Division Three, and on March 1 my petition was



filed in this appeal. The Division 3 Court granted my petition on March 9 and gave me 60 days from that date to file a response.

At this time I am unable to pay an attorney to help with my immediate organization-related legal matters: the Division Three appeal, this appeal, and an action to clarify the settlement terms. I have an attorney who represents me in other matters, who is already educated in my history and the facts and issues in the appeals and settlement, and who will help me if I can come up with a \$20,000 retainer. I cannot imagine a presently uneducated lawyer doing the work for less so I have not wasted time looking for cheaper legal help. I cannot in any event at the present time afford that either. It is for this reason I am proceeding pro se. If I can raise an adequate retainer I will have an attorney of record in this appeal.

Regarding the document entitled "Response of Gerald Armstrong to Opposition Filed By Real Party in Interest, Bent Corydon," which was filed in this appeal on December 28, 1988, I had thought that whatever Mr. Flynn was going to file was going to be his statement of his position. He had asked me if I would file something for the organization and I had said no (see my declaration, paragraphs 40-42). I believe Mr. Flynn was acting to protect me and William Franks, another client of Mr. Flynn and participant in the settlement, since the organization had threatened to sue us at that time if we did not file a document supporting their position.

The preparation of legal documents, even to achieve the obviously un-lawyer-like product I have placed before this court, is not a simple nor quick task for me. And I have a full-time life in addition to document preparation. 60 days from the date of granting of my petition for the filing of a responsive document is a reasonable request.



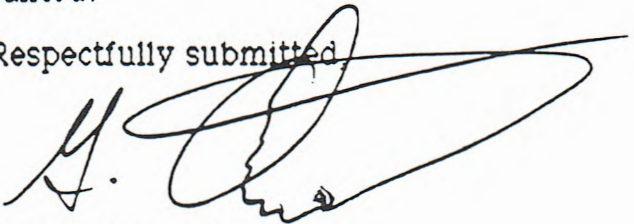
3 The reasons I should be relieved from the restrictions of the settlement I have stated in my declaration: a. the organization has itself acted to invalidate the settlement agreement; b. the organization has used the agreement to obstruct justice and violate individuals' civil rights; and c. the restrictions are themselves against public policy.

The reasons I should be specifically excused from any waiver of my right to file a response in this appeal are: a. I was not aware of any such right at the time of the settlement; b. I have an interest in the outcome of this appeal; c. I have evidence which is relevant to this appeal; and d. I would be assisting this court and serving justice by responding.

CONCLUSION

Defendant's petition should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'G. Armstrong', with a large, sweeping flourish extending to the right.

Gerald Armstrong  
6838 Charing Cross Road  
Berkeley, CA 94705  
(415)849-0929

Dated: March 23, 1990



PROOF OF SERVICE

STATE OF CALIFORNIA            )  
  ) ss.  
COUNTY OF ALAMEDA            )

I am employed in the County of Alameda, State of California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 6838 Charing Cross Road, Berkeley, CA 94705.

On March 24, 1990 I caused to be served the foregoing document described as DEFENDANT'S REPLY TO APPELLANTS' OPPOSITION TO PETITION FOR PERMISSION TO FILE RESPONSE AND FOR TIME TO FILE on interested parties in this action by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States mail at Oakland, California, addressed to the persons and addresses specified on the service list attached.

Executed on MARCH 24, 1990 at Oakland, California.

Bambi Sparks Whippeny



SERVICE LIST

ERIC M. LIEBERMAN, ESQ.  
RABINOWITZ, BOUDIN, STANDARD,  
KRINSKY & LIEBERMAN, P.C.  
740 Broadway - Fifth Floor  
New York, New York 10003-9518

MICHAEL LEE HERTZBERG, ESQ.  
740 Broadway - Fifth Floor  
New York, New York 10003-9518

BOWLES & MOXON  
6255 Sunset Boulevard, Suite 2000  
Hollywood, California 90028

TOBY L. PLEVIN, ESQ.  
6380 Wilshire Blvd., Suite 1600  
Los Angeles, California 90048

PAUL MORANTZ, ESQ.  
P.O. Box 511  
Pacific Palisades, California 90272

MICHAEL J. FLYNN, ESQ.  
FLYNN, SHERIDAN & TABB  
One Boston Place, 26th Floor  
Boston, Massachusetts 02108

JULIA DRAGOJEVIC, ESQ.  
CONTOS & BUNCH  
5855 Topanga Canyon Blvd., #400  
Woodland Hills, California 91367

CLERK OF THE SUPERIOR COURT  
111 North Hill Street  
Los Angeles, California 90012

1 TOBY L. PLEVIN  
2 ATTORNEY AT LAW  
3 6380 WILSHIRE BLVD, SUITE 1600  
4 LOS ANGELES, CALIFORNIA 90048  
5 (213) 655-3183

6 Attorney for Plaintiff and  
7 Cross Defendant

3-22 90

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF LOS ANGELES

10 BENT CORYDON,  
11 Plaintiff,  
12 vs.  
13 CHURCH OF SCIENTOLOGY  
14 INTERNATIONAL, INC., et  
15 Defendants

) CASE NO. C 694401  
) NOTICE OF MOTION AND  
) MOTION FOR AN ORDER DIRECTING  
) NON-INTERFERENCE WITH  
) WITNESSES AND DISQUALIFICATION  
) OF COUNSEL; DECLARATIONS OF  
) TOBY L. PLEVIN AND BENT  
) CORYDON; REQUEST FOR  
) SANCTIONS

) Date: April 3, 1990  
) Time: 9:00 a.m.  
) Dept: 44

16  
17 AND RELATED CROSS ACTIONS  
18

19 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

20 PLEASE TAKE NOTICE THAT ON April 3, 1990, at 9:00 a.m. or as  
21 soon thereafter as counsel may be heard in Dept. 44 of the above  
22 entitled court, plaintiff will move this Court for an order,  
23 pursuant to C.C.P. 128(a)(5) enjoining you, your agents,  
24 servants, assignees and all those acting in concert with you from  
25 communicating with witnesses who have been subpoenaed by  
26 plaintiff for deposition or testimony in this action who are  
27 signatories to any settlement agreement, and/or release with you  
28 and/or from representing witnesses or paying attorneys to



1 represent witnesses at such depositions. The same order shall be  
2 sought as to signatories to any such agreement or release who  
3 have not yet been subpoenaed.

4 This motion will be based on this notice of motion, the  
5 declarations of Gerald Armstrong, Toby L. Plevin, Bent Corydon,  
6 and the exhibits hereto and is made on the ground that such  
7 conduct threatens the integrity of these proceedings in a manner  
8 for which Corydon has no adequate recourse and that such an order  
9 authorized by C.C.P. 128(a)(5) under which this Court has the  
10 power

11 "To control in furtherance of justice, the conduct of  
12 its ministerial officers and of all other persons in  
13 any manner connected with a judicial proceeding  
14 before it in every matter pertaining thereto."

15 Dated: \_\_\_\_\_

16 Toby L. Plevin, Attorney for  
17 Plaintiff.  
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1 I. IT IS GROSSLY IMPROPER FOR DEFENSE COUNSEL TO  
2 REPRESENT DEPONENTS WHOSE TESTIMONY HE SOUGHT TO  
3 PREVENT TO PROTECT HIS OTHER CLIENTS. IN ADDITION TO  
4 AN IMPROPER APPEARANCE, THE CONDUCT, AS DESCRIBED BY  
5 GERALD ARMSTRONG, IS CRIMINAL INTERFERENCE WITH A  
6 WITNESS

7 On October 31, 1989, the Church of Scientology filed a Motion  
8 for Protective Order to prevent plaintiff Bent Corydon from  
9 deposing certain witnesses with highly relevant evidence. Prior  
10 to filing that motion, these defendants, through attorney  
11 Lawrence Heller, had threatened in writing to sue Corydon's  
12 counsel for attempting to serve the witnesses with deposition  
13 subpoenas. (See letter of November 3, 1989 from Lawrence E.  
14 Heller page 2, paragraph 3, attached hereto as Exhibit A). In  
15 another letter, he threatened to seek sanctions if the deposition  
16 of Gerald Armstrong were ever to go forward. (See letter of  
17 October 17, 1989 of Lawrence E. Heller attached hereto as Exhibit  
18 B, page 1, paragraph 4). In his opposition to the motion Corydon  
19 enumerated the several areas those witnesses were to testify  
20 about which are damaging to Scientology. The Court denied the  
21 motion and observed that the defendants could not make a contract  
22 to prevent percipient witnesses from testifying. (Plevin  
23 Declaration paragraph 2).

24 Heller (who had drafted the Motion for Protective Order)<sup>1</sup> and  
25 the Church of Scientology based the motion and the threats of  
26 retaliation upon their contractual arrangements with the  
27 prospective witnesses under which the witnesses (many of whom had  
28 previously given damaging testimony against Scientology) are

---

<sup>1</sup>See Heller Declaration, attached hereto as Exhibit C,  
which was attached to his Motion for Protective Order.



1 required to keep silent about their knowledge of these defendants  
2 unless subpoenaed but which also requires them to avoid service  
3 of process.<sup>2</sup> Heller had also been a principal draftsman of those  
4 agreements (see Exhibit C) which contain liquidated damages  
5 clauses providing for substantial penalties in the event of  
6 breach. (See Armstrong Settlement Agreement, Exhibit D hereto,  
7 paragraph 7D, page 7).

8 Given this background, it is undisputed both that the testimony  
9 of these witnesses has been sought because it is detrimental to  
10 defendants and also that defendants will go to great lengths to  
11 prevent that testimony. Accordingly, when the same attorney who  
12 had drafted the confidentiality agreements, and who had  
13 threatened to sue Corydon's attorney and who had so vociferously  
14 opposed these depositions, then appeared at the depositions as  
15 counsel for two of the witnesses who are subject to silencing  
16 agreements, Ron DeWolf and Howard E. Schomer, it became

17  
18 <sup>2</sup>A true copy of the agreement between Gerald Armstrong and  
19 a long list of Scientology organizations and individuals is  
20 attached hereto as Exhibit D. It has been authenticated by the  
21 Armstrong Declaration (Exhibit E hereto) and it states in  
22 pertinent part:

23 "Plaintiff agrees not to testify or otherwise  
24 participate in any other judicial,  
25 administrative or legislative proceeding  
26 adverse to Scientology or any of the  
27 Scientology Churches, individuals or entities  
28 listed in Paragraph 1 above unless compelled  
to do so by lawful subpoena or other lawful  
process. Plaintiff shall not make himself  
amenable to service of any such subpoena in a  
manner which invalidates the intent of this  
provision..." (emphasis added).

27 Because of the voluminous nature of the exhibits to the  
28 Armstrong declaration, the exhibits are not attached herewith  
but have been separately filed in the record. The Armstrong  
Settlement Agreement is Exhibit R to his declaration.



1 reasonable to question whether some effort is under way to  
2 prevent the witnesses from testifying fully and to prevent  
3 Corydon from obtaining evidence.<sup>3</sup>

4 It is anticipated that Heller and the defendants will contend  
5 that their sole purpose in approaching Mr. Schomer and Mr. DeWolf  
6 and offering to represent them without payment was to prevent  
7 discussion of the confidential settlement agreement which was  
8 subpoenaed. However, Armstrong states that the defendants  
9 (through Heller) wanted to prevent disclosure of much more than  
10 just the Settlement Agreement. In paragraph 7 of his declaration  
11 he states that Heller "had a problem with (his) responding to  
12 deposition questions concerning such things as Hubbard's  
13 misrepresentations or (his) period as Mr. Hubbard's archivist."  
14 These subjects are central to the proof of the defamation claims  
15 and Scientology's specific intent to interfere with publication  
16 of Corydon's book as well as other factual issues in this  
17 lawsuit.<sup>4</sup> Furthermore, given the bad faith exemplified by the

---

18 <sup>3</sup>In fact, since Mr. Schomer, one of the witnesses,  
19 testified that he was not paying for Heller's services and that  
20 he assumed the defendants herein were paying, the obvious  
21 question that the testimony has been tainted must be given even  
22 further weight. (See Excerpts from Schomer Deposition,  
23 attached hereto as Exhibit F, at pages marked 24, line 22 to  
24 24.) Ron DeWolf, the son of L. Ron Hubbard, was recently  
25 deposed in this case in Carson City, Nevada. Heller  
26 represented DeWolf. The same reasons for which Heller's  
representation of Schomer is improper, so is his representation  
of Ron DeWolf. DeWolf's settlement with the Church occurred  
approximately six months before the group settlement of 1986  
but is believed to contain the same proscriptions. Plaintiff  
asks this Court herewith for leave to re-depose DeWolf and to  
be compensated by Heller for all the costs and fees associated  
with the original deposition.

27 <sup>4</sup>In addition, Corydon's attorney stated in oral argument on  
28 the Motion for Protective Order that the sole purpose for  
subpoenaing the agreements was to discover whether they  
contained any terms which might indicate a concealment of



1 objections interposed by Heller (that will be further described  
2 infra), that position is simply not credible.

3 Under these circumstances, plaintiff's counsel extensively  
4 questioned Schomer at his deposition regarding the circumstances  
5 of his retaining Heller. In response, Mr. Schomer denied that he  
6 was threatened with a lawsuit for breach of contract if he  
7 testified. However, he also testified that he agreed to let  
8 Heller represent him because he was "concerned" that he would be  
9 sued if he violated the settlement agreement which required him  
10 "not to discuss things about the Church (of Scientology)".  
11 Schomer Excerpts, Exhibit F page 43, line 12 through page 44,  
12 line 12. He also testified that Heller told him that if he  
13 testified, Heller would consider it a breach of contract.  
14 (Exhibit F, page 73, lines 21-23).<sup>5</sup> Thus, even assuming arguendo

15  
16  
17 evidence or obstruction of justice. Other terms such as the  
18 amount of the settlement or other usual settlement terms could  
19 be deleted. If Heller's concern was truly only to prevent  
inquiry into the valid terms of the settlement agreement that  
could have been done by agreement without his representing  
Schomer and without a motion for protective order.

20 <sup>5</sup>In spite of Schomer's denial of overt threats, these  
21 responses demonstrate not only that his entire testimony is  
22 being given under fear of a lawsuit but also that it is subject  
23 to the advice of the attorney who drafted that agreement to  
24 protect other Scientology clients. This suggests that the  
25 entire testimony is tainted. This concern is made the more  
26 tangible by the fact that Schomer had previously testified at a  
27 trial against Scientology that he was afraid for his life after  
28 escaping from Scientology (he had been under guard for three  
weeks) but now can't recall that testimony. See Schomer  
Excerpts, Exhibit I, page 3856 to page 3860 and further  
discussion, infra. Schomer also stated that Heller had not  
informed him that he represents Author Service Inc. in this  
lawsuit (the specific Scientology entity that Schomer had  
previously worked for). Accordingly, thereafter, when, after  
prompting by Heller, Schomer said that any possible conflicts  
had been waived, that answer must be viewed with suspicion  
(Exhibit F, page 78, line 14 - page 79, line 25).

54



1 that the only prior communication between Mr. Heller and the  
2 witnesses Schomer and DeWolf included some references to the  
3 witnesses' concern that they not violate the silencing provisions  
4 of the settlement agreement, nevertheless, such representation  
5 raises concern about the integrity of the deposition and the  
6 propriety of Heller's conduct. But that is not all there is:  
7 The declaration of Gerald Armstrong demonstrates that the  
8 communication with the witnesses may involve more than merely an  
9 improper appearance. At least as to Armstrong, the direct  
10 threats were communicated and an express intent to obstruct  
11 discovery was stated.

12 The Declaration of Gerald Armstrong dated March 15, 1990,  
13 Exhibit E hereto, states that Mr. Heller called Armstrong after  
14 he had been subpoenaed and asked whether he would be represented  
15 by counsel for the deposition. When told no, Mr. Heller then  
16 offered to have his client pay for Armstrong's attorney provided  
17 that:

18 "the attorney would do what [Heller's] client wanted.  
19 He said that to maintain the settlement agreement...  
20 [Armstrong] should refuse to answer the deposition  
21 questions and force Mr. Corydon to get an order from  
22 the court compelling [Armstrong] to answer."  
23 (Exhibit E, paragraph 4).

24 At paragraph 7 Armstrong relates this threat from Heller in  
25 another conversation:

26 "He said I had a contractual obligation and the  
27 organization [Scientology] which it had paid a lot of  
28 money for, not to divulge confidential information  
and that if I answered I would have breached the  
settlement and may get sued."

At paragraph 44 Armstrong states that on a third occasion Heller  
asked him to provide an untruthful declaration to help prevent



1 his deposition from going forward. When Armstrong refused Heller  
2 again alluded to the contractual obligation not to testify.

3 While these assertions are extraordinary, they can not be  
4 dismissed in light of (1) Heller's written threats to Corydon's  
5 attorney, (2) the entire history of "fair game" against enemies  
6 of Scientology,<sup>6</sup> (3) Schomer's admitted fear, and (4) the entire  
7 purpose of the Settlement Agreements (as more fully described  
8 infra ). Furthermore, they are consistent with Armstrong's prior  
9 experience with Scientology and its attorneys.

10 For example, at paragraph 40 Armstrong relates that his prior  
11 refusal to cooperate with a Church request following the  
12 settlement led to threats by Church attorneys to disclose  
13 embarrassing personal information. And, at paragraph 43 he  
14 states that in November 1989, after receiving the deposition  
15 subpoena in this case, he received a video tape of himself in the  
16 mail that had been introduced into evidence against him  
17 previously by the Church of Scientology. It came together with  
18 the business card of the private investigator who had done the  
19 videotaping. It is hard to imagine a more chilling scenario than  
20 to receive that sort of "We're watching you" threat in the mail.

21 Denounced as an enemy of Scientology in 1982 by their  
22 publication declaring him a "suppressive person", Mr. Armstrong  
23 was a victim of intense fair game activity up until his  
24

---

25 <sup>6</sup>The fair game policy was recently described in  
26 Wollersheim v. Church of Scientology of California (1989) 212  
27 Cal.App3d 372 in which the Second District Court of Appeal  
28 stated, "As described in the evidence at this trial the fair  
game policy neutralized the heretic by stripping [(a) person]  
of his or her economic, political, and psychological power."  
Id.



1 settlement with Scientology in December of 1989. His breaking  
2 silence now demonstrates remarkable courage. If neither DeWolf  
3 nor Schomer is capable of such courage, that means they are only  
4 human. However, this Court does not have to sit back and ignore  
5 the threats to the truth-finding process that are inherent in  
6 fair game policy.

7 Heller put the planned obstruction of discovery as described to  
8 Armstrong into effect at the March 7 Schomer deposition where he  
9 instructed Schomer not to answer certain key questions in order  
10 to force Corydon to file motions to compel regarding clearly  
11 relevant testimony on central issues in this case. For example,  
12 Heller refused to let Schomer answer questions regarding his  
13 knowledge of Scientology's general use of the fair game policy  
14 (that an enemy of Scientology may be "tricked, sued, lied to or  
15 destroyed") even though the allegations of fair game are central  
16 to the complaint.<sup>7</sup> (See Schomer Deposition Excerpts, Exhibit F,  
17 page 132 line 14 to page 134 line 18). Since Heller and the  
18 defendants in this lawsuit persist in denying the existence of  
19 the fair game policy,<sup>8</sup> plaintiff must have the freedom to broadly

---

20  
21 <sup>7</sup>The fair game policy, attached hereto as Exhibit G, was  
22 previously authenticated in this lawsuit by Vicki Aznaran, the  
23 ex-President of defendant Religious Technology Center. The fair  
24 game policy forms the core of the emotional distress claim and  
is relevant to issues in all other causes of action. It is also  
relevant to disprove allegations in the cross-complaint  
regarding Corydon's motivations to sever ties with Scientology.

25 <sup>8</sup>In recent trial testimony in Religious Technology Center  
26 v. Yanny, LASC Case No. 690 211, Scientology counsel and  
27 executives contended that the fair game policy was cancelled in  
28 1969. See Exhibit H hereto, and excerpt of testimony given on  
January 23, 1990 by Warren Mc Shane an Religious Technology  
Center official. This was a persistent theme throughout that  
trial in which Heller was one of the attorneys for the Church of  
Scientology.



1 inquire into that area and an experienced attorney like Heller  
2 can not reasonably contend otherwise. Thus, this series of  
3 instructions not to answer questions is indicative of the  
4 defendants' intent to obstruct reasonable discovery.

5 But Heller's bad faith interference with legitimate discovery  
6 did not stop there. Again objecting on the ground of relevance,  
7 he also refused to let Schomer answer questions relating to David  
8 Miscavige, a defendant in this case, particularly as to his  
9 history of violence against Schomer who has previously testified  
10 about certain inhuman treatment at Miscavige's hands. (See  
11 instructions not to answer at Exhibit F, pages 168-175 and  
12 Exhibit I, an excerpt from Schomer's testimony in Christofferson  
13 vs. Church of Scientology, at pages marked 3632-3639). Miscavige  
14 is accused in this action of ordering physical attacks on Corydon  
15 and directing a campaign of fair game against him. Thus evidence  
16 of that type of conduct is extremely relevant to this lawsuit.

17 While the instructions not to answer were the obvious method by  
18 which defendants, through their attorney, have improperly  
19 interfered with legitimate discovery, the Schomer deposition also  
20 made it clear that, at the very least, he was not being fully  
21 candid in the responses he did give. For example, in 1985  
22 Schomer testified that, when he gave previous testimony against  
23 Scientology, and when he escaped from Scientology, he was afraid  
24 for his life. (See Exhibit I, at pages marked 3637 and 3856-  
25 3860). Yet when asked to recall that testimony and comment on it  
26 in the deposition in this case he did not recall having so  
27 testified or why he felt that fear! (See Exhibit F pages 62-64).  
28 Similarly, in his prior testimony, Schomer extensively discussed



1 his pain at the fact that, pursuant to Scientology policy, his  
2 daughter had been forced to "disconnect" from him after he left  
3 the organization (See Exhibit I, pages 3804-3806). But during  
4 this deposition he denied that his daughter had ever disconnected  
5 from him. (See Exhibit F, page 148).

6 Corydon asks the Court to observe the obvious: that Heller's  
7 instructions on the ground of relevance can not be the reasonable  
8 result of a bona fide difference of opinion but rather  
9 demonstrate his and his clients' deliberate plan to sabotage  
10 Corydon's deposition efforts and to force Corydon to make motions  
11 to compel and to obstruct discovery against the defendants.  
12 Corydon hopes that this Court will not sit by while parties and  
13 attorneys who have announced their intent to prevent relevant  
14 discovery succeed in those efforts at obstruction and undertake  
15 actions inconsistent with truth-finding process. Nor can Corydon  
16 sit by and watch while witnesses crucial to his case are being  
17 swayed and convinced that they can not freely speak because of  
18 fear that they will violate the terms of a settlement agreement  
19 that is in violation of law and public policy. This Court has  
20 the inherent power to control the conduct of the attorneys and  
21 parties in this action and can exercise such power to prevent the  
22 continuation of this perversion of discovery.

23 **II. CONTRARY TO DEFENDANTS' ASSERTIONS, THE**  
24 **SETTLEMENT AGREEMENTS ARE NOT LEGAL AND HAVE NOT BEEN**  
**APPROVED BY THE COURTS.**

25 In the summer of 1986, Scientology began negotiations to settle  
26 a large number of lawsuits in which the plaintiffs were all  
27 represented by Boston attorney Michael Flynn. (Declaration of  
28 Heller, Exhibit C hereto). As evidenced by both the Armstrong



1 Agreement, Exhibit D hereto, and the Bill Franks Agreement, (see  
2 Exhibit J previously authenticated in this action by Heller),  
3 Scientology demanded that the settlements preclude the settling  
4 plaintiffs from cooperating voluntarily with any parties adverse  
5 to Scientology but furthermore that they avoid service of  
6 subpoenas.<sup>9</sup> In all instances they also required that the several  
7 courts in which the cases were pending approve the sealing of the  
8 court files of the subject lawsuits as a condition of the  
9 settlements. This was stated in the Transcript of Proceedings of  
10 December 11, 1986, in the Armstrong case at which some of the  
11 settlement terms were presented to Judge Paul Breckenridge. At  
12 that time Church attorney Michael Hertzberg stated that sealing  
13 was required by Scientology in all the Flynn settlements.  
14 (Exhibit K, page 6 lines 17-28).

15 The settling plaintiffs included all of the known high-ranking  
16 Scientologists who had left Scientology and who had specific,  
17 first-hand knowledge of Scientology's frauds, criminal acts and  
18 fair game activities. With these knowledgeable plaintiffs  
19 silenced, any plaintiff who did not settle and future litigants  
20 against the Church would be severely disabled from proving their  
21 cases since the key evidence on which they needed to rely,

22  
23 <sup>9</sup>The text of the relevant clause from the Armstrong  
24 Agreement is quoted above in footnote 2. The past testimony of  
25 those settling parties (hereinafter the "SIGNATORIES") had  
26 included extensive evidence regarding the fair game policy,  
27 Scientology's fraudulent recruitment tactics, Scientology's  
28 misrepresentations regarding L. Ron Hubbard, the founder of  
Scientology. Their testimony also included extensive evidence  
about Scientology's "criminal activities" including the  
blackmailing of judges and other felonies and the use of  
parishioners' confessional files to devise fair game strategies  
against deserters and for use in litigation against them.  
(Plevin Declaration paragraph 6).



1 specifically, the knowledge held in the memories and mouths of  
2 such silenced witnesses, was in effect secreted and concealed or  
3 destroyed.

4 In December of 1986, the Settlement Agreements were finalized.  
5 The Settlement Agreement entered between Scientology and Gerald  
6 Armstrong (Exhibit D hereto) contains secrecy clauses in  
7 paragraph 7(D) at pages 6-8 and paragraph 7(G) on page 10. At  
8 pages 7(H) at pages 10-11 the agreement also requires that  
9 Armstrong avoid service of process and is quoted in footnote 2  
10 above. Heller's statements on March 7, 1990 confirmed that  
11 Schomer's agreement contains similar language. (Exhibit F, page  
12 50, lines 9-25).

13 It is anticipated that defendants will assert, as they have  
14 repeatedly done, that the agreements in issue have been approved  
15 by all the courts in which the settled cases were venued. This  
16 is not true. Most recently this was asserted by three of the  
17 defendants during the trial of Religious Technology Center et al  
18 v. Yanny, LASC Case No. C 690 211, in an effort to prevent  
19 Armstrong's testimony in that trial.<sup>10</sup> Attached to their written  
20 objection to his testimony were several identical documents  
21 captioned "Order Dismissing Action with Prejudice". These recite  
22 that the Settlement Agreement for each of the settled cases had  
23 been filed in the appropriate court file. (See Exhibit L hereto,  
24 Objection to Testimony of Gerald Armstrong at page 4-5 and  
25

---

26 <sup>10</sup> Judge Cardenas did not permit Armstrong to testify but  
27 his reasoning was not the result of the settlement agreements  
28 but rather because the offer of proof regarding Armstrong's  
testimony indicated, that in Judge Cardenas' view, such  
testimony should be excluded under Ev. Code section 352.

61



1 Exhibit H to that Objection). These Orders had apparently been  
2 presented as stipulated orders to the respective courts. Thus,  
3 defendants contend that the Settlement Agreements were in fact  
4 reviewed and approved by each of the courts involved. However,  
5 Corydon has discovered evidence proving that the Settlement  
6 Agreement was never seen in at least one instance where the Order  
7 Dismissing Action was signed by the trial court. And, in another  
8 instance, where the court allegedly has enforced the agreement,  
9 the agreement in issue was a modified one and it does not contain  
10 the clause regarding avoidance of service.

11 Specifically, the same Order Dismissing Action was part of the  
12 sealed Armstrong file in the case captioned Church of Scientology  
13 of California vs Armstrong, LASC Case No. 420 153, which counsel  
14 for Corydon saw when Corydon was successful in his motion to  
15 unseal that file. See Exhibit M hereto. However, in spite of  
16 the language of the order, it was neither in the file nor listed  
17 in the Register of Actions. Indeed, when subsequently challenged  
18 by Corydon on this point Scientology counsel admitted that the  
19 settlement agreement had not been filed. (See Exhibit N hereto,  
20 page 3, lines 18-27). Accordingly, the defendants' offer of  
21 proof that the subject agreements have been approved and/or filed  
22 by other courts is highly suspect and can not be confirmed as  
23 long as those other files remain sealed. In fact, the only other  
24 settlement document that has surfaced disproves Scientology's  
25 contention in the Objection to Armstrong Testimony that the same  
26 agreement was approved in a Florida federal court in four cases  
27 pending in that court. Specifically, Corydon's attorney, Toby L.  
28 Plevin, was asked by Margery Wakefield, one of the signatories to



1 those agreements, to review the agreement and the transcript of  
2 the hearing in which the court considered all four settlements.  
3 Unlike the Armstrong and Franks Agreements, the agreement signed  
4 by Wakefield and approved by the Florida court does not contain  
5 the provision requiring that individuals avoid service of  
6 process. Accordingly, there is no evidence that any court has  
7 approved the language which Corydon contends is illegal. As the  
8 Wakefield settlement agreement referred to is under seal,  
9 unfortunately, it can not be attached hereto.<sup>11</sup> (See Plevin  
10 Declaration at paragraph 7).

11 In view of the foregoing, this Court can not and should not  
12 consider defendants' anticipated protestation that the agreements  
13 have been approved by other courts. That contention appears to  
14 depend on sleight of hand.

15 **III. THE ONLY REMEDY FOR SUCH IMPROPER CONDUCT IS TO**  
16 **DISQUALIFY COUNSEL AND TO RESTRAIN DEFENDANTS' AND**  
**COUNSELS' CONTINUING MISCONDUCT.**

17 Scientology has sought to suppress the evidence of subpoenaed  
18 witnesses not only by motion but also by express threats of  
19 lawsuits against one of the witnesses and against counsel for  
20 plaintiff for merely subpoenaing these persons. As to another  
21 witness, the threat was, at the very least, an implied one.  
22 While it is conceivable that Heller's subsequent representation  
23 of deponents at the same depositions he sought to prevent may be  
24

---

25 <sup>11</sup> While Plevin is constrained by the seal not to produce  
26 it or discuss its terms, the foregoing statement about what is  
27 not contained in the agreement is necessary to prevent  
28 defendants from misleading this Court as they apparently misled  
Judge Cardenas when submitting the objection to Mr. Armstrong's  
testimony wherein they represented that these settlements had  
been universally approved.



1 consistent with a waiver of the conflict between his clients and  
2 the deponents, nevertheless, in light of the foregoing efforts at  
3 suppression, it is simply not conceivable that there is no tacit  
4 agreement or intent in such waiver to continue to suppress  
5 evidence. While a future motion to compel may cure the  
6 suppression caused by a deliberate scheme to make improper  
7 objections on relevance grounds, no such motion can cure the  
8 likely lack of candor, or indeed, the misrepresentation that may  
9 be the result of the representation of these witnesses by their  
10 former adversary because they fear Scientology will sue them if  
11 they testify. Accordingly, Heller must be removed as counsel  
12 before the continuation of the Schomer deposition and be removed  
13 as well from continued representation of DeWolf.

14 For this Court to countenance the representation of a witness by  
15 the attorney who sought to suppress his evidence pursuant to a  
16 contract the attorney drafted that was designed to prevent  
17 testimony adverse to his clients and who has threatened another  
18 witness with a lawsuit would be to sanction their complete  
19 disrespect for the truth-finding process and for the canons of  
20 ethics.<sup>12</sup>

---

23 <sup>12</sup>It is also inconsistent with an attorney's professional  
24 duties which include the mandate at Business and Professions  
25 Code, section 6068(d) the duty "to employ, for the purpose of  
26 maintaining the causes confided to him such means only as are  
27 consistent with truth". And, of course, the Rules of  
28 Professional Ethics prohibit the suppression of evidence.  
Furthermore, Corydon believes that the actions of Heller and  
the defendants herein are felony violations of one or more  
provisions of the Penal Code dealing with attempts to influence  
witnesses and/or to persuade them not to testify. See Penal  
Code sections 136 et seq.

64



1 Accordingly, plaintiff seeks an order as follows:

2 (1) that no defendant herein, their attorneys, agents,  
3 employees or associates, communicate with any witness that has  
4 been subpoenaed or who in the future is subpoenaed by plaintiff  
who has entered into any settlement agreement or mutual release  
with or for the benefit of any defendant herein;

5 (2) that no attorney for any defendant herein represent any  
6 deponents subpoenaed by plaintiff in connection with any  
depositions herein;

7 (3) that no defendant herein, or their attorneys, agents,  
8 employees or associates pay or offer to pay for attorneys to  
represent any deponent in this lawsuit subpoenaed by plaintiff  
or suggest to deponents the names of any attorneys;

9 (4) that defendants, each of whom are beneficiaries of the  
10 settlement agreements which are the subject of discussion  
11 herein, prepare a statement that plaintiff can include with  
deposition subpoenas to ex-Scientologists in the future  
containing the following language:

12 "TO ALL PERSONS WHO HAVE SIGNED SETTLEMENT AGREEMENTS WITH  
13 CONFIDENTIALITY CLAUSES WITH ANY AND ALL SCIENTOLOGY ENTITIES:

14 PLEASE NOTE, BY ORDER OF LOS ANGELES SUPERIOR COURT,  
15 THE UNDERSIGNED HEREBY ADVISES YOU THAT YOU CAN NOT  
16 BE SUED FOR BREACH OF CONTRACT FOR TESTIFYING FULLY  
17 AND CANDIDLY AT SUCH DEPOSITIONS." Religious  
Technology Center, Church of Scientology  
International, Church of Scientology of California,  
Author Services Inc, Bridge Publications Inc,  
Scientology Missions International;

18 (5) that attorney Heller be disqualified from representing Mr.  
19 Schomer and Mr. DeWolf and that he advise Mr. Schomer to confer  
20 directly with Ms. Plevin regarding the continuation of his  
deposition or retain other counsel in that connection;

21 (6) that the commission for the deposition of Ron DeWolf be  
22 re-issued by this Court so that he may be deposed again without  
the presence of Mr. Heller as counsel;

23 (7) that because the conduct complained of herein demonstrates  
24 such complete bad faith without colorable reason, defendants be  
ordered to pay sanctions of \$4,899. 75 per the Declaration of  
Toby L. Plevin paragraph 8.

25 Date: \_\_\_\_\_ Toby L. Plevin, Attorney  
26 for Plaintiff

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1 requiring that individuals avoid service of process.  
2 Accordingly, there is no evidence that any court has approved the  
3 language which Corydon contends is illegal. As the Wakefield  
4 settlement agreement referred to in this is under seal,  
5 unfortunately it can not be attached hereto.

6 8. I am cognizant of this Court's admonition to counsel in  
7 this case not to request sanctions as a matter of routine.  
8 However, the conduct which has forced plaintiff's counsel to  
9 prepare this motion is egregious and can have no pretext of being  
10 consistent with the ethical duties attorneys are sworn to uphold.  
11 Accordingly, I request sanctions to reimburse plaintiff for the  
12 substantial expenditures involved in the DeWolf and Schomer  
13 depositions because the misconduct described herein has rendered  
14 those efforts wasteful. Plaintiff seeks sanctions under C.C.P.  
15 section 128.5, separate and apart from remedies that may be  
16 available pursuant to motions to compel, in the amount of  
17 \$4,899.75 as follows: (a) the court reporter fees for the DeWolf  
18 deposition \$656.00; (b) the court reporter fees for the first day  
19 of the Schomer deposition, \$1,143.75; (3) attorney fees for both  
20 depositions (12 hrs times \$175.00), totalling \$2,100.00; (4)  
21 attorney travel time and travel expenses to Carson City Nevada,  
22 \$900.00.

23 Sworn under penalty of perjury under the laws of the State of  
24 California this \_\_\_\_ day of March, 1990.

25  
26 Toby L. Plevin, Attorney for  
27 Plaintiff  
28



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PROOF OF SERVICE

STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES ) SS

I am a resident of the county of Los Angeles; I am over the age of eighteen years and am not a party to the within entitled action; my business address is 6380 Wilshire Blvd. Suite 1600, Los Angeles Ca. 90048.

On MARCH 19, 1990 I served the following documents described as:  
Notice of Motion & Motion Order Directing Non-Interference  
on interested parties in this action by placing a true copy thereof in sealed envelop(s) addressed as follows:

William Drescher  
Wyman Bautzer et al  
2049 Century Park East 14th Fl  
Los Angeles, CA 90067

Lawrence F. Heller  
Turner Gerstenfeld et al  
8383 Wilshire Blvd. Suite 510  
Beverly Hills, Ca. 90211

Kendrick Moxon  
Bowles and Moxon  
6255 Sunset Blvd. Suite 2000  
Hollywood, Ca. 90028

Michael Hertzberg  
740 Broadway - 5th Floor  
New York, New York 10003  
(FED) EX

           BY MAIL

I am fully familiar with my office's mail collection and preparation practices and procedures and I deposited said envelop(s) in accordance with my office's mail pick-up procedure for delivery on the same day to the U.S. mail with first class postage.

           BY FACSIMILE TRANSMISSION

I caused said envelops to be transmitted by facsimile to the persons and offices listed above.

  X   BY PERSONAL SERVICE

I caused said envelops to be delivered by hand to the persons and offices listed above.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct. Executed at Los Angeles, California on March 19, 1990.

  
Toby L. Plevin



1 James H. Berry, Jr.  
William T. Drescher  
2 WYMAN BAUTZER KUCHEL & SILBERT  
A Partnership including Professional  
3 Corporations  
2049 Century Park East, 14th Floor  
4 Los Angeles, California 90067  
(213) 556-8000

5 Attorneys for Defendants  
6 CHURCH OF SCIENTOLOGY INTERNATIONAL,  
RELIGIOUS TECHNOLOGY CENTER,  
7 CHURCH OF SCIENTOLOGY OF CALIFORNIA,  
SCIENTOLOGY MISSIONS INTERNATIONAL,  
8 HEBER JENTZSCH and TIMOTHY BOWLES

9 Lawrence E. Heller  
TURNER, GERSTENFELD,  
10 WILK & TIGERMAN  
8383 Wilshire Boulevard  
11 Suite 510  
Beverly Hills, California 90211  
12 (213) 657-3100

Kendrick L. Moxon, Esq.  
BOWLES & MOXON  
6255 Sunset Boulevard  
Suite 2000  
Hollywood, CA 90028  
(213) 661-4030

13 Attorneys for Defendants  
AUTHOR SERVICES, INC. and  
14 BRIDGE PUBLICATIONS, INC.

15  
16 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
17 FOR THE COUNTY OF LOS ANGELES

18 BENT CORYDON, )  
19 )  
Plaintiff, )  
20 )  
vs. )  
21 )  
CHURCH OF SCIENTOLOGY )  
22 INTERNATIONAL, et al., )  
23 Defendants. )

24 AND RELATED CROSS-ACTIONS )  
25 )

Case No. C 694 401

OPPOSITION OF DEFENDANTS  
TO MOTION FOR ORDER DIRECTING  
NON-INTERFERENCE WITH WITNESSES  
AND DISQUALIFICATION OF  
COUNSEL; DECLARATIONS OF  
RONALD DeWOLF, HOWARD D.  
SCHOMER, MICHAEL LEE HERTZBERG,  
KENNETH LONG AND LAWRENCE E.  
HELLER; REQUEST FOR SANCTIONS  
AGAINST PLAINTIFF AND HIS  
ATTORNEY AND MEMORANDUM OF  
POINTS AND AUTHORITIES IN  
SUPPORT THEREOF

DATE: April 3, 1990  
TIME: 9:00 a.m.  
DEPT: 44  
TRIAL DATE: None Set

ORIGINAL FILED  
MAR 27 1990  
COUNTY CLERK

3-30-90



1 I. PLAINTIFF AND HIS COUNSEL, TOBY PLEVIN, ARE WELL AWARE OF THE  
2 FACT THAT MESSRS. DeWOLF AND SCHOMER CHOSE LAWRENCE HELLER AS THEIR  
3 ATTORNEY AND THEREAFTER FREELY AND VOLUNTARILY GAVE DEPOSITION  
4 TESTIMONY

5 Apparently dissatisfied with the responses they elicited at  
6 the depositions of Ronald E. DeWolf and Howard D. Schomer,  
7 plaintiff and his counsel now seek the rather extraordinary remedy  
8 of re-deposing these subpoenaed witnesses, this time without the  
9 benefit of counsel of their choice. Attorney Plevin received  
10 substantive responses to virtually all of the questions she posed  
11 to these two deponents. (See Section II below.) Least there be any  
12 doubt as to what precipitated the initial Motions for Protective  
13 Order filed by these defendants, and what precipitated Schomer  
14 contacting Heller to represent him, it was the subpoena duces tecum  
15 served upon parties settling with Scientology which requested  
16 nothing but those settlement documents.

17 The gravamen of plaintiff's Motion is that the deposition  
18 testimony of Schomer and DeWolf is "tainted". Plaintiff in essence  
19 accuses DeWolf and Schomer of giving perjured testimony as a result  
20 of their fear that they would be sued if they gave testimony  
21 unfavorable to the defendants.

22 In response to that unsupported contention, this Court is  
23 directed to the attached Declarations of Howard D. Schomer and  
24 Ronald E. DeWolf. In no uncertain terms, DeWolf and Schomer testify  
25 in their attached declarations that: (1) they contacted attorney  
26 Lawrence E. Heller after they were served with their deposition  
27 subpoenas by the plaintiff, not visa versa, (2) they requested Mr.



1 Heller represent them at their respective depositions, (3) at no  
2 time did they believe that their Settlement Agreements prevented  
3 them from testifying in response to any questions whatsoever posed  
4 to them by attorney Plevin at their depositions, and (4) they were  
5 never intimidated or threatened with litigation, or any threats  
6 whatsoever, at any time either prior to or subsequent to their  
7 depositions. (Indeed, they testify in their attached declarations  
8 and in their depositions that they never even discussed litigation  
9 against Scientology with Mr. Heller or anyone else).

10 Perhaps most importantly, Ms. Plevin was well aware of the  
11 foregoing at the time she filed the instant Motion in that she had  
12 extensively questioned each of the deponents, most particularly Mr.  
13 Schomer, on these precise areas:

14 1. Deponents Schomer and De Wolf initially contacted attorney  
15 Heller subsequent to their service of the deposition subpoenas.  
16 Heller did not contact them.

17 "Q. When was the first time you received a contact from any  
18 person regarding the deposition after you were subpoenaed"

19 A. Never.

20 Q. No one has ever telephoned you regarding this deposition?

21 A. No, That I can recall, no.

22 Q. No one has ever called you --

23 A. Except yourself.

24 Q. Isn't it true that Mr. Heller called you and asked you for  
25 a declaration?

26 A. No.

27 Q. Isn't it true that you gave Mr. Heller a declaration  
28 regarding this deposition going forward?

A. True.

Q. How did that occur?

A. I called Mr. Heller."

(Schomer deposition pg. 11, ln. 13 to pg. 12, ln. 4. All  
excerpts of Schomer's deposition quoted herein are attached  
hereto collectively as Exhibit "B".)

\* \* \*  
"A. I eventually called him and told him that I was sub-  
penaed. The reason I called him is because I had talked to  
him once before concerning another matter and I may have  
asked him his advice. I am not sure exactly what I had --  
you know."

71



1 (Schomer deposition pg. 13, ln. 7 to 8.)

2 2. Schomer and DeWolf asked Mr. Heller to represent them, not visa  
3 versa.

4 "Q. And did he tell you at that meeting or in any prior  
5 conversation that prior to your retaining him as counsel  
6 that you should permit him to represent you?

7 (Schomer deposition, pg. 26, ln. 25 to pg. 27, ln. 2.)  
8 (Colloguy between counsel follow)

9 THE DEPONENT: We had talked about it on the phone that  
10 possibility of where I mentioned I didn't have any counsel  
11 and is it a possibility of him representing me or someone  
12 else representing me.

13 (Schomer deposition pg. 27, ln. 25 to pg. 28, ln. 3.)

14 \* \* \*  
15 "Q. BY MS. PLEVIN: You wanted to give (sic) help and  
16 advice to the church?

17 A. No, that I wanted them to give me help and advice.

18 Q. Regarding --

19 A. Let me rephrase that: Not from the church, from  
20 Mr. Heller. It just so happens Mr. Heller was also  
21 representing your client. He was actually not your client  
22 but one of his clients is part of the church.

23 Q. And you wanted his help and advise regarding what?

24 A. This deposition.<sup>2</sup>

25 (Schomer deposition, pg.42, ln. 23 to pg. 43, ln. 9.)

26 The right to be represented by counsel of one's choice in civil  
27 litigation is fundamental. The refusal to recognize or allow  
28 appearance or representation by such counsel is a denial of due  
process and therefore an act in excess of jurisdiction. Mendoza v.  
Small Claims Court, (1958) 49 C.2d 668, 673, 321 P.2d 9; Evans v.  
Superior Court, (1939) 14 C.2d 581, 96 P.2d 107. Plaintiff's  
attempt, through this Motion, to deprive Schomer and DeWolf of  
counsel of their choice is unconstitutional, beyond this Court's  
jurisdiction and unsupported by any interpretation of the facts.  
Ms. Plevin's request that these deponents be deprived of counsel of  
their choice is in bad faith.



1 3. The deponents testified that their understanding of their  
2 Settlement Agreements was that they could respond to all questions  
3 posed to them pursuant to the subpoena served upon them.

4 "Q. BY MS. PLEVIN: Was it your understanding of the  
5 settlement agreement that you were not supposed to give  
6 answers at a deposition unless the church approved it?

7 A. No.

8 Q. Is your understanding that you could answer questions as  
9 you felt were honest and truthful?

10 A. Yes.

11 Q. And do you feel that you could do so upon being served  
12 with a deposition subpoena without fear from the church or  
13 fear about the church?

14 (Schomer deposition, pg. 44, ln. 13 to ln. 22.)  
15 (attorney colloquy follows)

16 A. If it was just a deposition that you are required to  
17 attend a deposition meaning me required to attend a deposi-  
18 tion and give any information that I knew about Bent Corydon,  
19 I wouldn't have called Mr. Heller.

20 (Schomer deposition, pg. 45, ln. 17-20.)

21 \* \* \*  
22 THE DEPONENT: First of all, I haven't read or seen my  
23 settlement agreement in many years. I do not have a copy  
24 anymore. The only thing I can remember concerning if it had  
25 any vague connection with what you just read was that I would  
26 be -- could make myself not available for service as I  
27 recall, and that if I was served I was compelled to comply.  
28 And that's all I remember.

(Schomer deposition, page 55, lines 3 - 16.)

17 4. Neither deponent was intimidated through threats of litiga-  
18 tion by Scientology or any other threats whatsoever. Litigation  
19 with Scientology was not even discussed.

20 Q. Provide what information if you had it?

21 A. Any information concerning my settlement. But there was  
22 no coercion or threats as you mentioned before and my answer  
23 to your original question was going to be bullshit because,  
24 you know, he never had and never has threatened me in any  
25 way, shape, or form even when the situation with the pos-  
26 sibility of me seeing Mr. Yanny or taking to Mr. Yanny came  
27 up.

28 MR. HELLER: "He" being me.

THE DEPONENT: Right, being Mr. Heller.

Q. BY MS. PLEVIN: So your only concern about the relevance  
of your testimony to this deposition arises because of your  
concern that we requested that you produce the settlement  
agreement; is that right?

A. That's correct.

Q. You have no concern whatsoever about testifying fully and  
truthfully about ASI; is that right?



1 A. No. I have in the past and it's in all sorts of records  
2 that are public.  
3 Q. And about your experiences in Scientology?  
4 A. That's correct.  
5 (Schomer deposition, pg. 49, ln. 1-25.)  
6 \* \* \*  
7 BY MR. HELLER: Has anyone ever contacted you from the Church  
8 of Scientology, its representatives, or otherwise that you  
9 know of since the settlement agreement other than me?  
10 A. No.  
11 Q. We have talked on the phone how many times prior to our  
12 meeting yesterday to your recollection?  
13 A. Three.  
14 Q. The earliest of which was when?  
15 A. Whenever the question of whether I was seen with Mr. Yanny  
16 or not came up.  
17 Q. Did I ever threaten to sue you?  
18 A. Never.  
19 Q. Did I ever indicate that my client or I was considering  
20 suing you?  
21 A. No.  
22 Q. Did I ever indicate to you what your testimony should be  
23 in this litigation or this deposition?  
24 A. Never.  
25 Q. Did I ever tell you not to show up and honor the subpoena  
26 and answer relevant questions?  
27 A. Never.  
28 (Schomer deposition, pg. 72, ln.8 to pg. 73, ln. 4.)<sup>3</sup>

There is no doubt that Ms. Plevin was well aware of the fact  
that the testimony of these two deponents was voluntarily and freely  
given without any threats or intimidation. Ms. Plevin's present  
Motion is a desperate, bad faith attempt to vitiate past deposition  
testimony and have those depositions retaken because she was  
dissatisfied with the truthful responses initially given by these  
deponents. Worse, it would appear Ms. Plevin, knowing her Motion  
is doomed to failure, filed it in an attempt to negatively taint  
defendants and their counsel. An example of the bad faith inherent  
in plaintiff's Motion is Plevin's statement on, page 4 of that  
Motion, that on page 73 of Schomer's deposition, Schomer testified  
that "Heller told him that if he testified Heller would consider it



1 a breach of contract." However, Schomer testifies to quite the  
2 opposite on page 73 of his deposition:

3 "Q. Did he (Heller) ever tell you that if you answer  
4 questions about Scientology or any of the beneficiaries of  
5 that agreement deemed not to be relevant that that would be  
6 a breach of your agreement?

7 A. Never."

8 (Pg. 73, lns. 9-13 of Schomer deposition.)

9 II. THE FEW QUESTIONS THAT MR. SCHOMER WAS INSTRUCTED NOT TO  
10 ANSWER WERE CLEARLY NOT RELEVANT TO THE ISSUES IN THIS LITIGATION.  
11 REGARDLESS, PLAINTIFF'S REMEDY IN THAT RESPECT LIES WITH A MOTION  
12 TO COMPEL AND NOT THE PRESENT MOTION

13 Plaintiff contends that Schomer, at his deposition, was  
14 instructed "not to answer certain key questions in order to force  
15 plaintiff to file motions (sic) to compel regarding clearly relevant  
16 testimony on central issues on this case" (Motion, pg. 7, ln. 9-  
17 11). Out of a full day of deposition testimony of Mr. Schomer, Ms.  
18 Plevin references a mere two (2) questions which Schomer was  
19 instructed not to answer."

20 One of those questions, according to Ms. Plevin,  
21 "regard(ed) (Schomer's) knowledge of Scientology's general use  
22 of fair game policy." (Motion, pg. 7.) Plaintiff thereafter  
23 references that question in Schomer's deposition on page 132,  
24 line 14 to page 134, line 18. A review of those deposition  
25 pages indicates that the question Schomer refused to respond to  
26 had nothing to do with Scientology's use of fair game policy at  
27 all. The question asked was:

28 "Q. Did you observe at least on one occasion that there  
was an order from ASI calling for PC files to be culled on  
certain people?"



1 In that here is no allegation in plaintiff's complaint that  
2 any of the defendants are in possession of, no less have attempted  
3 to disclose, confidential files of this plaintiff, an instruction  
4 to Schomer not to answer that question was interposed. Nevertheless,  
5 plaintiff could well have asked, and was invited to ask, whether  
6 deponent Schomer was aware of any orders or facts surrounding dis-  
7 closure, or even review, of plaintiff's "PC" or confidential files.  
8 Ms. Plevin did, indeed, at another point in that deposition ask Mr.  
9 Schomer whether "fair game" had ever been applied to him or, to his  
10 knowledge, to plaintiff and Mr. Schomer responded in the negative.

11 The only other questions referenced in plaintiff's Motion that  
12 Schomer was instructed not to answer related to Schomer's experien-  
13 ces within Scientology, which experiences transpired at a point in  
14 time well after the plaintiff had left Scientology. It cannot be  
15 disputed that those questions have nothing to do with the issues in  
16 this case.

17 Regardless, whether Schomer was correctly instructed not to  
18 answer those two questions is properly the subject of a motion to  
19 compel, not the present Motion. Under any circumstance or inter-  
20 pretation of the law, it is inconceivable that an instruction not  
21 to answer two (2) questions during the course of two full day  
22 depositions constitute grounds for ignoring the entirety of those  
23 depositions and asking that they be retaken.

24 Mr. Heller's representation of Schomer and DeWolf in no fashion  
25 obstructed or inhibited either deposition. That fact, as well as  
26 Plevin's lack of any basis for her Motion, proves the present Motion  
27 was filed for improper purposes and in bad faith.

28 ///



1    III.    ALTHOUGH IN NO WAY RELEVANT TO THE INSTANT MOTION, THE  
2    SETTLEMENT AGREEMENT WHICH ARMSTRONG ENTERED INTO IS LEGAL AND  
3    ENFORCEABLE

4            Plaintiff attempts, through his motion, to collaterally attack  
5    the validity of certain settlement agreements between Scientology  
6    and various litigants which transpired some three years ago. One  
7    of those settlement agreements was entered into by Gerald Armstrong.  
8    Plaintiff's reference to those settlement agreements are not only  
9    improper but are irrelevant to any issue in the instant Motion or,  
10   for that matter, in this case.

11           As has been previously demonstrated by both deposition testimony  
12   quoted in Section I hereinabove and the attached Declarations of  
13   Messrs. Schomer and DeWolf, neither of these parties any longer have  
14   possession of nor recall the substance of the settlement agreements  
15   that they entered into with certain Scientology and unrelated  
16   entities. Indeed, both Schomer and DeWolf have testified in their  
17   depositions, as well as in the attached declarations, that even  
18   given the faint recollections they have of those settlement  
19   agreements, they did not recall that the settlement agreements  
20   prohibit them from either being served with a subpoena or voluntarily  
21   and freely testifying. In fact, both Schomer and DeWolf have  
22   testified at their respective subpoenaed depositions and have  
23   answered any and all questions posed to them that were even remotely  
24   relevant to this litigation.

25           Furthermore, one thing that is imminently clear from the  
26   declaration of Gerald Armstrong attached to plaintiff's moving  
27  
28



1 papers is that he also will be freely and voluntarily testifying as  
2 a subpoenaed witness at his deposition.<sup>5</sup>

3       Regardless, the settlement agreements at issue have been  
4 approved by various courts. Indeed, the Los Angeles Superior Court,  
5 in a case wherein this very plaintiff, BENT CORYDON, is a party  
6 (Heber Jentzch v. Bent Corydon, L.A.S.C. Case No. NVC 14274) found  
7 no impropriety with Armstrong's or any of the other settlements.  
8 On July 25, 1989, CORYDON filed a Motion to Dismiss in that action  
9 for alleged obstruction of justice. His theory was that he was  
10 being deprived of full access to former litigants who had entered  
11 into settlement agreements with Scientology, specifically naming one  
12 William Franks, Vickie Aznaran, and Gerald Armstrong as persons to  
13 whom he was allegedly denied access.<sup>6</sup>

14       The Honorable Robert Feinerman issued a ruling denying  
15 defendant CORYDON's Motion to Dismiss on grounds of obstruction of  
16 justice (attached hereto as Exhibit "C").

17       This Court is referred specifically to Page 3 of Judge  
18 Feinerman's Order denying CORYDON's Motion to Dismiss or Alternative  
19 Relief wherein Judge Feinerman holds, after reviewing Mr.  
20 Armstrong's Settlement Agreement, that:

21       "They (parties to the settlements) can be deposed and they  
22 can be compelled to testify at time of trial. The mutual  
23 release agreement in the other cases recognize (as they must)  
24 that the parties to the agreements are legally obligated to  
testify when 'compelled to do so by lawful subpoena or other  
lawful process' (quoting from the Armstrong Settlement  
Agreement).

25       It should also be noted that a Court cannot order anyone  
26 to voluntarily cooperate with a party litigant. A Court can  
enforce the provisions of the discovery act by appropriate



1 sanctions but it cannot fashion a enforceable order re  
2 'voluntary cooperation'".

3 Furthermore, settlement agreements which defendants believe  
4 were identical to the one referred to in plaintiff's moving  
5 papers herein, have been approved by various Courts. Examples  
6 of the diverse judicial orders upholding these agreements are  
7 the orders of: 1) Judge Consuelo B. Marshall in Jefferson v.  
8 Church of Scientology of California, No. CV-81-3261 C.D. Cal.;  
9 2) Judge Manuel Real in Church of Scientology of California v.  
10 Laurel Sullivan, No. CV-85-3075 R C.D. Cal.; 3) Judge Consuelo  
11 B. Marshall in Lockwood v. Church of Scientology of California,  
12 No. CV-81-4109-CBM C.D.Cal.; 4) Judge Spencer J. Letts in  
13 Schomer v. Author Services, Inc., et al., No. CV-848335 C.D.Cal.;  
14 5) Judge Consuelo B. Marshall in Peterson v. Church of Scientol-  
15 ogy of California, No. CV-81-3259 C.D.Cal.; 6) Judge Consuelo  
16 B. Marshall in Garrity v. Church of Scientology, No. CV-81-3260  
17 C.D.Cal. (These Orders are attached hereto collectively as  
18 Exhibit "D".)

19 Lastly, although not dealing with a settlement agreement  
20 identical to the one at issue herein, Judge Elizabeth A.  
21 Kovachevich, Judge of the Federal District Court for the Middle  
22 District of Florida, approved settlement agreements with provisions  
23 in them which prohibited the parties settling with Scientology from  
24 discussing any of their experiences within Scientology with anyone  
25 other than their immediate family members in the cases of Cazares  
26 v. Church of Scientology, et al., No. 82-886-CIV, Burden v. Church  
27 of Scientology of California, et al., No. 80-501-CIV, and Margery  
28 Wakefield v. Church of Scientology of California, et al., No. 82-



1 1313-CIV. Medicated on Margery Wakefield's alleged violation of  
2 her settlement agreement Judge Kovachevich has already issued an  
3 injunction prohibiting Wakefield from discussing her experiences in  
4 Scientology with anyone but her immediate family, pursuant to which  
5 Magistrate Paul Game issued an OSC re contempt for violating that  
6 injunction and has held an evidentiary contempt hearing, the results  
7 of which have not yet been announced.

8 As a last point in this regard, even a cursory reading of that  
9 section of the Settlement Agreement quoted in footnote 2 of  
10 plaintiff's moving papers evidences that the Settlement Agreement  
11 does not require those settling parties to, as plaintiff contends,  
12 "avoid service of process" (see plaintiff's moving papers, pg. 2,  
13 lns. 2 and 3). Regardless, history has proven that the settlement  
14 agreements, no matter how interpreted, do not prevent settling  
15 parties from testifying pursuant to subpoenas served upon. Plain-  
16 tiff, in this very case, has readily and with considerable ease,  
17 served Messrs. Schomer, DeWolf and Armstrong. Plaintiff has taken  
18 the depositions of Schomer and De Wolf, two of those settling  
19 parties, and is on the threshold of taking Gerald Armstrong's  
20 deposition.

21 IV. HELLER'S ONE TELEPHONE CALL WITH ARMSTRONG WAS LAWFUL AND  
22 PROPER.

23 Even if Gerald Armstrong's declaration (Exhibit "E" to  
24 plaintiff's moving papers) were fully truthful (which it is not --  
25 see Declaration of Lawrence E. Heller attached), the acts ascribed  
26 to Mr. Heller in his discussions with Armstrong must be construed  
27 as ethical and legal. Regardless, as can be seen from the Declara-  
28 tion of Lawrence E. Heller attached hereto, Heller recalls having



1 only one (1, telephone call with Armstrong wherein he did, in fact,  
2 offer to provide him with an attorney to represent him at his  
3 deposition, which Armstrong promptly refused. Mr. Heller did not  
4 offer to have his client pay for that attorney or offer to indemnify  
5 Armstrong for sanctions which might be imposed (sanctions were never  
6 discussed).

7 Clearly, Heller's communications with Armstrong did not have  
8 a chilling effect on what appears to be Armstrong's burning desire  
9 to testify in this litigation, whether he has knowledge relevant to  
10 the issues in this litigation or not. Just as clearly Armstrong  
11 nowhere in his declaration indicates Heller threatened him with  
12 litigation. It should be noted that CORYDON, other than his obscure  
13 reference to Business and Professions Code, section 6068(d) in  
14 footnote 12<sup>7</sup> of his moving papers, fails to cite any statutes or  
15 Cannons of Ethics that he claims Heller has violated.

16 V. PLAINTIFF, AND PARTICULARLY HIS COUNSEL, WERE WELL AWARE FROM  
17 THE DEPOSITION TESTIMONY ELICITED FROM SCHOMER AND DeWOLF THAT THEIR  
18 PRESENT MOTION WAS IN BAD FAITH. ACCORDINGLY, SANCTIONS UNDER RULE  
19 128.5 SHOULD BE AWARDED.

20 As exhibited in Section I hereinabove, plaintiff and his  
21 counsel, both of whom sat through the depositions of Ronald DeWolf  
22 and Howard Schomer, were well aware of the fact that neither of  
23 those deponents had been threatened or intimidated in any fashion  
24 whatsoever. They were also aware of the fact those deponents gave  
25 honest and truthful testimony.



1 Plaintiff and his counsel went into these depositions believing  
2 that by subpoenaing parties who at one time had been adverse to  
3 Scientology and certain unrelated entities they would elicit testi-  
4 mony favorable to their case. When those two deponents testified  
5 to matters which were instead harmful to the plaintiff's case,  
6 plaintiff and Ms. Plevin saw as their only remedy the highly unusual  
7 request contained in their Motion: vitiate the deposition testimony  
8 taken thus far and have those depositions retaken, this time without  
9 counsel being present to represent those deponents' interests.

10 Furthermore, it is clearly plaintiff and his attorney's intent,  
11 through this Motion, to attempt to taint and influence this Court  
12 against defendants and their counsel.

13 The relief sought in plaintiff's motion is prima facie sought  
14 in bad faith and, given plaintiff and his counsel's full and  
15 complete knowledge of the circumstances surrounding those two  
16 depositions, it is clear the entirety of this Motion was brought for  
17 improper purposes, and in bad faith. Accordingly, defendants should  
18 be reimbursed for the necessity of opposing this Motion and  
19 appearing at the hearing thereof.

20 Not only is plaintiff's Motion itself filed in bad faith but,  
21 plaintiff's attorney, Toby Plevin, has intentionally misrepresented  
22 the contents of Armstrong's declaration in the body of the Motion  
23 which she authored.

24 For example, Plevin asserts that after Armstrong was served  
25 with a deposition subpoena by CORYDON in this case, Armstrong  
26 received a videotape in the mail from a private investigator that  
27 had been introduced in evidence against Armstrong in a prior case.  
28 Ms. Plevin also opined that the mailing of this video tape by the



1 private investigator constituted a "threat" and a "chilling  
2 scenario". Ms. Plevin's characterization of Armstrong's declara-  
3 tion is misleading and disingenuous. Armstrong's declaration  
4 actually states that he received that video from the London Sunday  
5 Times from whom he had apparently requested it, and that it had been  
6 given to the Times by an investigator in "late 1987 or early 1988",  
7 years before service of this subpoena. The video had been made in  
8 1984 for a trial wherein Armstrong was not a party.

9 Ms. Plevin also falsely characterizes paragraph 40 of the  
10 Armstrong declaration as alleging that "his refusal to cooperate  
11 with a Church request following the settlement led to threats by  
12 Church attorneys to disclose embarrassing personal information."  
13 In fact, paragraph 40 of Armstrong's declaration alleges no threat.  
14 It merely states that CORYDON had filed a motion to unseal the file,  
15 that the Church was opposing that motion, and that the Church's  
16 attorney had pointed out to Mr. Armstrong's attorney that if the  
17 file were unsealed, a private document of Armstrong would also be  
18 unsealed.

19 Ms. Plevin's false characterizations of the Armstrong declara-  
20 tion to paint a "chilling scenario" are both irresponsible and  
21 knowingly false.<sup>8</sup>

22 Further, a primary focus of the Armstrong declaration itself is  
23 simply wrong - there is no reciprocal provision in the Settlement  
24 Agreement prohibiting the Church from commenting upon the allega-  
25 tions of Armstrong. As set forth in the Heller, Long and Hertzberg  
26 declarations, an important part of the Settlement Agreement revolved  
27 around the continuing ability of the Church to refute the often  
28



1 bizarre allegations made by Mr. Armstrong. Thus, this issue was  
2 addressed during the settlement negotiations, with the result that  
3 no clause was included in the agreement preventing the Church from  
4 such action.

5 This Court has authority to impose sanctions for actions taken  
6 in bad faith which are frivolous or cause unnecessary delay pursuant  
7 to CAL. CIV. PROC. CODE §128.5, which provides in relevant part:

8 "(a) Every trial court may order a party, the party's  
9 attorney, or both to pay any reasonable expenses, including  
10 attorney's fees, incurred by another party as a result of  
11 bad-faith actions or tactics that are frivolous or solely  
12 intended to cause unnecessary delay. . . .

13 "(b) For purposes of this section:

14 "(1) 'Actions or tactics' include, but are not limited  
15 to, the making or opposing of motions or the filing and  
16 service of a complaint or cross-complaint...

17 "(2) 'Frivolous' means (a) totally and completely  
18 without merit or (b) for the sole purpose of harassing an  
19 opposing party." (Emphasis added.)

20 Based thereon, moving parties request sanctions for opposing  
21 and appearing at this baseless Motion in the sum of \$4662.00 (see  
22 attached Declaration of Lawrence E. Heller).

23 Dated: March 27<sup>th</sup>, 1990

TURNER, GERSTENFELD, WILK & TIGERMAN

24 BY: Lawrence E. Heller

25 Lawrence E. Heller  
26 Attorneys for Defendants AUTHOR SERVICES,  
27 INC. and BRIDGE PUBLICATIONS, INC.

28 WYMAN, BAUTZER, KUCHEL & SILBERT

BY: William T. Drescher

William T. Drescher  
Attorneys for Defendants CHURCH OF SCIENTOLOGY  
INTERNATIONAL, RELIGIOUS TECHNOLOGY CENTER,  
CHURCH OF SCIENTOLOGY OF CALIFORNIA, SCIENTOLOGY  
SCIENTOLOGY MISSIONS INTERNATIONAL,  
HEBER JENTZSCH and TIMOTHY BOWLES

BOWLES AND MOXON

BY: Kendrick L. Moxon

Kendrick L. Moxon  
Attorneys for All Church Entities



DECLARATION OF LAWRENCE E. HELLER

I, LAWRENCE E. HELLER, declare as follows:

1. I am an attorney at law duly licensed to practice before all of the courts in the State of California. I am the attorney principally responsible for the representation of both Bridge Publications, Inc. and Author Services, Inc. in this action. The following testimony is of my personal knowledge and I am available and competent to personally testify thereto.

2. I have read the Declaration of Gerald Armstrong which is attached as Exhibit "E" to the moving papers herein. Of the fifty-four (54) paragraphs in that twenty-four (24) page declaration, there are but two (2) paragraphs wherein Armstrong testifies about conversations between the two of us: paragraphs 4 and 7. Accordingly, this declaration will only address those two (2) paragraphs in that it is my belief that the remainder of the declaration is patently irrelevant to the instant Motion. Also, I have little or no knowledge concerning the remaining parts of that declaration other than to state that, to my knowledge, there is nothing in Armstrong's settlement agreement that prevents Scientology from providing written responses to any adverse publicity written about it.

3. It should initially be noted that I have never litigated against Ronald DeWolf. So, I do not believe I ever maintained an adversarial relationship with Mr. DeWolf.

4. In December of 1986, plaintiff Church of Scientology entered into a settlement agreement with, among others, Gerald Armstrong. Mr. Armstrong's settlement was part of a global settlement of cases against the Church of Scientology and others,



1 being litigated by Boston, Massachusetts attorney, Michael J. Flynn.  
2 I was the attorney principally responsible for effecting that global  
3 settlement. The settlements concerned well over a dozen plaintiff  
4 litigants as well as various Church of Scientology entities and  
5 other third parties sued as defendants. Those settlements also  
6 concerned ASI, a defendant in this matter, which was a co-defendant  
7 in only one of those many actions. Those settlement negotiations  
8 transpired over the course of several months, ultimately culminating  
9 in a multi-week session in a hotel in the City of Los Angeles, where  
10 most of the lawyers, and most of the parties, involved in the  
11 litigation met extensively. The lawsuits underlying those settle-  
12 ments had been vociferously litigated for many years.

13 5. Settlement negotiations were both arduous and difficult.  
14 However, settlements were ultimately entered into between the  
15 numerous parties. The settlements provided for the non-disclosure  
16 of facts underlying the various litigation involved, as well as,  
17 and most importantly, non-disclosure of the terms of the settle-  
18 ments themselves.

19 6. In October of 1989 I was informed by Toby Plevin, counsel  
20 for CORYDON, that Mr. Armstrong had been served with a deposition  
21 subpoena in the CORYDON case. I thereafter received notice of Mr.  
22 Armstrong's deposition with an accompanying subpoena duces tecum  
23 which sought only documents relating to Mr. Armstrong's settlement  
24 agreement and which, in my opinion, did not relate in the least to  
25 the issues involved in this litigation. (Attached hereto as  
26 Exhibit "1"). At that time I called attorney Michael Flynn in  
27 Boston to inquire as to what Armstrong's intentions were with regard  
28 to testifying about his settlement agreement. I phoned Mr. Flynn



1 because it was my understanding that Mr. Flynn at that time still  
2 represented Mr. Armstrong as he had during the settlement negotia-  
3 tions. Mr. Flynn told me that I should speak directly with Mr.  
4 Armstrong on the subject and further informed me that he would  
5 arrange for me to speak with Mr. Armstrong. Mr. Flynn called me  
6 back shortly thereafter and informed me that he had secured Mr.  
7 Armstrong's permission for me to speak with him and that Mr.  
8 Armstrong was expecting my phone call.

9 7. It should be noted at the outset that had the Armstrong  
10 subpoena not demanded production of the settlement documents from  
11 Armstrong I would not have called Mr. Flynn.

12 8. Shortly thereafter, (it may well have been on October 23,  
13 1989 as Mr. Armstrong testifies in paragraph 4 of his declaration),  
14 I telephoned Mr. Armstrong and asked him essentially the same  
15 question I had asked Mr. Flynn. I informed Mr. Armstrong that I  
16 understood that he had been subpoenaed to testify in Mr. CORYDON's  
17 case. I further explained to him that I understood that he was  
18 compelled to honor the subpoena but that he would likely be asked a  
19 lot of questions respecting the settlement in view of the fact that  
20 he had been served with a subpoena duces tecum requesting nothing but  
21 his settlement documents. As Mr. Armstrong states in paragraph 4  
22 his declaration, I thereafter asked if he planned to have an  
23 attorney representing him at his deposition and if it would be Mr.  
24 Flynn. He said he did not have an attorney. I asked him if he would  
25 like assistance in obtaining counsel to attend the deposition on  
26 his behalf to protect him during that deposition. At no time do I  
27 recall offering to pay for his attorney. I don't believe the  
28 subject even came up.



1           9. Mr. Armstrong, after a short time, indicated that he was  
2     uninterested in discussing the matter with me and that he would  
3     personally make the determination as to what questions were  
4     relevant, and what questions he would answer at his deposition  
5     without my assistance. I responded that even though I recognized  
6     that he had to testify pursuant to the subpoena with which he was  
7     served, that if he did indeed freely answer questions relating to  
8     his settlement agreement, he may well be in breach of that agreement  
9     and that, accordingly, it was within his best interest to find  
10    counsel to protect him. After I made that statement, I recall Mr.  
11    Armstrong saying to me that he would think about it and, if he  
12    changed his mind, he would get back to me. (Mr. Armstrong also told  
13    me he believed Scientology had already breached his settlement  
14    agreement but I don't recall him specifying in what manner that  
15    breach occurred).

16           10. I did, during the course of that conversation, suggest  
17    to Mr. Armstrong that his best course of action would probably be  
18    to have an attorney represent him and to have that attorney instruct  
19    him to refuse to answer questions respecting the settlement  
20    agreement unless compelled to do so by this Court through a  
21    subsequent motion. I did not, and do not now, consider that  
22    suggestion improper. As Mr. Armstrong truthfully testifies, I did  
23    tell him that he had been paid a considerable amount of money and,  
24    accordingly, had a contractual obligation not to divulge informa-  
25    tion respecting the settlement. As Mr. Armstrong again truthfully  
26    testified in his declaration, I did inform him that I felt that he  
27    was sort of stuck between his duty to honor both the subpoena and  
28    his settlement agreement and that the safest position he could take



1 was to have an attorney protect his interests as detailed hereinab-  
2 ove. At no time did I threaten him with a lawsuit, speak to him  
3 in a threatening or intimidating manner or even mention a lawsuit  
4 The Court should note Armstrong never says I threatened him with  
5 litigation in his declaration.

6 11. However, to my recollection, all of this took place  
7 during the course of one (1) telephone conversation. I do not  
8 recall him calling me back as he testifies to doing in his declara-  
9 tion.

10 12. At paragraph 10 of his March 15, 1990 declaration, Mr.  
11 Armstrong sets forth what he purports to be a section of the  
12 Armstrong Settlement Agreement concerning the duties of confiden-  
13 tiality owed by Mr. Armstrong. Mr. Armstrong then goes on through  
14 the majority of the balance of his March 15th declaration to allege  
15 that the Church of Scientology of California has violated reciprocal  
16 duties of confidentiality by commenting upon, in other litigation,  
17 testimony and facts concerning Mr. Armstrong and his experiences  
18 within the Church of Scientology.

19 13. The confidentiality provisions of the Armstrong Settlement  
20 Agreement are nor reciprocal in nature. Mr. Armstrong does have  
21 duties of confidentiality under the terms of the Armstrong settle-  
22 ment and paragrapg 10 appears to be an accurate recitation of those  
23 duties. However, there are no reciprocal duties of confidentiality  
24 under the terms of the Armstrong Settlement Agreement that apply to  
25 any of the Church parties in the settlement.

26 14. An important part of the Armstrong settlement was that  
27 the Church was not bound by the same confidentiality provisions as  
28 Armstrong and that the Church parties remain free to comment upon



1 and use information pertaining to Mr. Armstrong's experiences in the  
2 Church of Scientology. At the time of the Armstrong settlement,  
3 information from Mr. Armstrong was being used in a number of cases  
4 around the world. It was important to the Church parties to the  
5 Armstrong settlement that they remain free to defend themselves  
6 against allegations supported by information originating from  
7 Armstrong prior to the settlement. I discussed this aspect of the  
8 confidentiality provisions the settlement agreement with Armstrong's  
9 counsel, Michael J. Flynn, during my settlement negotiations with  
10 him in 1986 and it was clearly understood by both sides of the  
11 negotiations that the confidentiality provisions were not to be  
12 reciprocal. Any assertions to the contrary now being made by  
13 Amrstrong are false.

14 15. Turning to a related matter, during the course of Mr.  
15 Schomer's deposition, Attorney Plevin indicated on the record that  
16 I had in some fashion "coached" Schomer with regard to his responses  
17 to certain questions. Ms. Plevin said on the record of that  
18 deposition to Mr. Schomer, prior to asking him a question: "Now  
19 that Mr. Heller has told you what you can or cannot remember . . ."  
20 (see pg. 118 of Schomer deposition attached to the Points and  
21 Authorities as part of Exhibit "B").

22 16. After reviewing Schomer's deposition transcript, I  
23 directed correspondence to Ms. Plevin dated March 15, 1990 (Exhibit  
24 "2" to this Declaration.) wherein I demanded a retraction of her  
25 statement quoted above arguing she had no basis for it. Ms. Plevin  
26 replied to that letter through return correspondence dated March  
27 16, 1990, wherein she said, "However, my comment on page 118 of the  
28 transcription was an expression of annoyance, not a statement of



1 fact. I apologize". (see Plevin correspondence dated March 16,  
2 1990 attached hereto as Exhibit "3"; emphasis added).

3 17. In my March 15th letter, I also expressed my concern at  
4 the three (3) hours of questioning Schomer was subjected to during  
5 his deposition concerning my representation of him. My March 15th  
6 letter further stated on page 2 thereof that I protested as improper  
7 and unsupported Ms. Plevin's statement on the record of that  
8 deposition directed to me that: ". . . on your client's behalf you  
9 are attempting to frighten Mr. Schomer with potential lawsuits  
10 arising out of confidentiality agreements in the settlement your  
11 clients reached with Mr. Schomer which required him to avoid service  
12 of process and to create other difficulties with respect to  
13 testimony adverse to Scientology".

14 18. In response to being called upon to explain that comment,  
15 Ms. Plevin stated in her return correspondence of March 16th that  
16 her statement accusing me of trying to frighten Schomer with the  
17 threat of litigation was made by her as a prelude: ". . . to  
18 elicit testimony to establish exceptions to the attorney-client  
19 privilege. In that context I stated that it was my intention to  
20 establish that Mr. Schomer has been influenced to have you represent  
21 him. The testimony was that you had not frightened him. You cannot  
22 contend that an attorney's statement of purpose for a line of  
23 questions is the equivalent of a statement of fact." (see page 2  
24 of Plevin letter attached hereto as Exhibit "3"; emphasis added).

25 19. It would appear Ms. Plevin radically changed her position  
26 in the three (3) days that transpired between the time she wrote  
27 her correspondence to me on March 16, 1990 and the point in time  
28 that she filed the instant Motion on March 19, 1990.



20. Ms. Plevin's Motion is a bad faith attempt to poison this Court against defendants and their counsel without any basis whatsoever. As prayed in this Opposition, sanctions must be awarded. I have spent 19.2 hours preparing this Opposition and project another three (3) hours of travel and court time to argue this Motion. My hourly rate is \$210.00 per hour. I therefore request sanctions in the sum of \$4662.00.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 27<sup>th</sup> day of March 1989, at Beverly Hills,  
California.

Lawrence E. Heller  
Declarant



DECLARATION OF KENNETH LONG

I, KENNETH LONG, declare as follows:

1. I am over 18 years of age and a resident of the State of California. The matters set forth herein are based on my personal knowledge.

2. On March 15, 1990, Gerald Armstrong ("Armstrong") executed a declaration in the above-captioned case. His declaration was filed in support of plaintiff's Motion for an Order Directing Non-Interference with Witnesses and Disqualification of Counsel and, in paragraphs 22-31, 33-35 and 38-39, Armstrong referred to several affidavits I executed in October, 1987.

3. The crux of Armstrong's complaint about those affidavits is probably found at paragraph 35 of his declaration. There, Armstrong quotes from an affidavit I executed on October 7, 1987, and in which I described my January, 1987 discovery that Armstrong had knowingly violated orders issued by Los Angeles Superior Court. Taken together, my October, 1987 affidavits demonstrate that:

a. In August, 1982, Armstrong was ordered by Judge John L. Cole to surrender certain documents and materials to the custody of the Clerk of the Los Angeles Superior Court.

b. Armstrong later attested, on numerous occasions, that he had surrendered all such documents and materials, and that he had none in his possession.

c. In January, 1987, following settlement of



1        Scientology of California ("CSC"), Armstrong  
2        turned over to CSC all Church-related documents in  
3        his possession. I personally inspected the  
4        documents turned over by Armstrong, and found a  
5        number of copies of the documents which Armstrong  
6        had previously sworn that he had surrendered to  
7        the Clerk of the Court.

8            d. Based on my discovery of these documents,  
9        I concluded that Armstrong had intentionally  
10        perjured himself on numerous occasions, and had as  
11        well knowingly violated orders issued by judges at  
12        all levels ranging from the Los Angeles Superior  
13        Court to the Supreme Court of the United States.

14        4. These affidavits were executed in the case of Church  
15        of Scientology of California v. Russell Miller and Penguin  
16        Books, Limited ("Miller"), Case No. 6140 in the High Court  
17        of Justice located in London, England. In Miller, CSC sued  
18        author Russell Miller and his publisher Penguin Books for  
19        breach of confidence arising out of Miller's use of some of the  
20        documents described in paragraph 2 above. Under United Kingdom  
21        legal procedure, since CSC had made out a prima facie case for  
22        breach of confidence against Armstrong in Church of  
23        Scientology of California and Mary Sue Hubbard v. Gerald  
24        Armstrong, LASC Case No. C 420153, it was possible to extend  
25        that breach of confidence claim to Miller and Penguin Books by  
26        linking them to Armstrong. The affidavits, therefore, were  
27        required to detail the elements of the breach of confidence  
28        claim against Miller and Penguin, and the claim could not have



1 been brought without explaining the underlying actions taken by  
2 Armstrong.

3 5. There is no provision in the settlement agreement with  
4 Armstrong which would prohibit CSC from using information  
5 obtained through litigation with Armstrong in seeking legal  
6 remedies for wrongs committed by third parties.

7 I declare under penalty of perjury under the laws of the  
8 State of California that the foregoing is true and correct.

9 DATED: March 26, 1990

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11 Kenneth Long  
12 Kenneth Long  
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## DECLARATION OF GERALD ARMSTRONG

I, Gerald Armstrong, declare:

1. I am making this statement because the facts herein are relevant in the trial of Religious Technology, et al. v. Joseph Yanney, et al., Los Angeles Superior Court Case No. C690211, now proceeding before Judge Raymond Cardenas.

2. On November 30, 1989 I attended a hearing before Judge Norman Epstein in the Los Angeles Superior Court of the Scientology organization's motion to prevent my deposition from going forward in the case of Bent Corydon v. Church of Scientology International, et al., No. C694401. Before the hearing, while waiting in the hall outside the courtroom I was served with a subpoena duces tecum ordering me to appear as a witness in the Yanney trial.

3. On February 15, 1990 I received a telephone call from attorney Michael Tabb, a partner in the Boston, Massachusetts law firm of Flynn, Sheridan & Tabb which had represented me in the case of Church of Scientology of California and Mary Sue Hubbard v. Gerald Armstrong, Los Angeles Superior Court No. C420153. Mr. Tabb said that he had been called by Larry Heller, a supervising attorney for the Scientology organizations, hereinafter referred to as the organization, who told him that the organization considered I had violated my settlement agreement by being in the courthouse to be served in Yanney, that they intended to prove it and that I would be sued.

4. On March 21 I spoke by telephone with attorney Michael Flynn, counsel of record in Armstrong, who said that he had been called by Mr. Heller two or three weeks before. Mr. Heller told Mr. Flynn that I was sitting

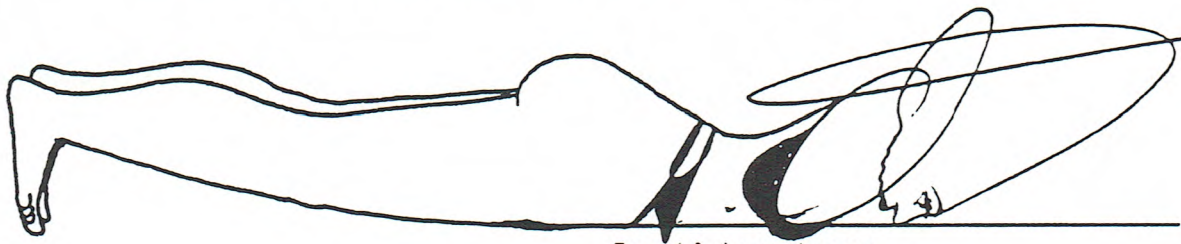


in the courtroom in the Yanney trial and that if I testified in Yanney I would be in violation of the settlement agreement and I would be sued. Mr. Heller asked Mr. Flynn to call me and tell me not to testify. Mr. Flynn said no. The day I had been present at the Yanney trial was March 5, 1990.

5. Attached hereto is a copy of my declaration of March 15, 1990 and the exhibits thereto. I am providing this documentation because it concerns the settlement agreement I entered into with the organization and makes this declaration and my position understandable.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this twenty-sixth day of March, 1990 at Oakland California.



Gerald Armstrong



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address) Turner, Gerstenfeld, Wilk & Tigerman (213) 657-3100 8383 Wilshire Blvd., Suite 510 Beverly Hills, CA 90211		TELEPHONE NO. (213) 657-3100	FOR COURT USE ONLY
ATTORNEY FOR (Name) Defendants AUTHOR SERVICES INC AND BRIDGE PUBLICATIONS, INC.			
NAME OF COURT Los Angeles Superior Court			
STREET ADDRESS 111 North Hill Street			
MAILING ADDRESS Los Angeles, CA			
CITY AND ZIP CODE Central District			
PLAINTIFF/PETITIONER: BENT CORYDON			
DEFENDANT/RESPONDENT: CHURCH OF SCIENTOLOGY INTERNATIONAL, etc. et al.			
CIVIL SUBPENA <input checked="" type="checkbox"/> Duces Tecum		CASE NUMBER C 694 401	

4-4-90  
1400

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name):

GERALD ARMSTRONG

1. YOU ARE ORDERED TO APPEAR AS A WITNESS in this action as follows unless you make a special agreement with the person named in item 3:

a. Date:	April 24, 1990	Time:	10:00 AM	Dept./Div.:		Room.:	
b. Address:	6380 Wilshire Blvd., Suite 1600, Los Angeles, CA						

2. AND YOU ARE

- a. ☒ ordered to appear in person.
- b. ☐ not required to appear in person if you produce a true, legible, and durable copy of the records described in the accompanying affidavit as follows: (1) place the copy of the records in an envelope (or other wrapper) and seal it; (2) attach a copy of this subpoena to the envelope or write on the envelope the case name and number, name of the witness and date and time from item 1 above; (3) place this first envelope in an outer envelope or wrapper, seal it, and mail it to the clerk of the court at the address in item 1.
- c. ☐ ordered to appear in person and to produce the records described in the accompanying affidavit. The personal attendance of the custodian of records or other qualified witness and the production of the original records is required by this subpoena. The procedure authorized pursuant to subdivision (b) of section 1560, and sections 1561 and 1562, of the Evidence Code will not be deemed sufficient compliance with this subpoena.

3. IF YOU HAVE ANY QUESTIONS ABOUT WITNESS FEES OR THE TIME OR DATE FOR YOU TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE ATTORNEY REQUESTING THIS SUBPENA, NAMED ABOVE, OR THE FOLLOWING PERSON, BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:

a. Name: Lawrence E. Heller, Esq. b. Telephone number: (213) 657-3100

4. Witness Fees: You are entitled to witness fees and mileage actually traveled both ways, as provided by law, if you request them at the time of service. You may request them before your scheduled appearance from the person named in item 3.

5. You are ordered to appear in this civil matter in your capacity as a peace officer or other person described in Government Code section 68097.1.

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

DISOBEDIENCE OF THIS SUBPENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.



Dated:

(SIGNATURE OF PERSON ISSUING SUBPENA)  
 FRANK S. ZOLIN  
 (Type or Print name)  
 County Clerk/Executive Officer of the Superior Court  
 (Title)  
 (See reverse for proof of service)

99 I.



**NAME, ADDRESS AND TELEPHONE NUMBERS  
OF ATTORNEY(S)**

Turner, Gerstenfeld, Wilk & Tigerman  
83838 Wilshire Boulevard, Suite 510  
Beverly Hills, CA 90211  
(213) 657-3100

**ATTORNEY(S) FOR** Defendants  
AUTHOR SERVICES, INC. and BRIDGE  
PUBLICATIONS, INC.

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

BENT CORYDON

**CASE NUMBER**

C 694 401

**PLAINTIFF(S)**

**VS**

CHURCH OF SCIENTOLOGY INTERNATIONAL,  
INC., etc., et al.

**DEFENDANT(S)**

**APPLICATION FOR  
SUBPOENA DUCES TECUM  
RE DEPOSITION**

**STATE OF CALIFORNIA, County of Los Angeles**

The undersigned states: That he is attorney of record for defendants AUTHOR SERVICES, INC. and BRIDGE PUBLICATIONS, INC. in the above entitled action; that the deposition of GERALD ARMSTRONG is noticed for hearing before such duly commissioned notary public at 10:00 A.M., in Room No. , located at 6380 Wilshire Blvd., Suite 1600 in the City of Los Angeles, County of Los Angeles State of California, on April 24, 1990.

**That** GERALD ARMSTRONG

has in his possession or under his control the exact matters or things designated below:

Tape(s), or any other records, whether sound or written, of recordings of any and all telephone conversation(s) between Lawrence E. Heller and Gerald Armstrong whether such tape(s) record both participants or one participant to said telephone conversation(s).



1 Lawrence E. Heller, Esq.  
2 TURNER, GERSTENFELD, WILK & TIGERMAN  
3 8383 Wilshire Boulevard  
4 Suite 510  
5 Beverly Hills, CA 90211  
6 (213) 657-3100

7  
8 Attorneys for Defendants  
9 AUTHOR SERVICES, INC. AND BRIDGE PUBLICATIONS, INC.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

11	BENT CORYDON,	)	CASE NO. C 694 401
12	Plaintiff,	)	
13	vs.	)	NOTICE OF TAKING OF
14	CHURCH OF SCIENTOLOGY	)	DEPOSITION OF GERALD
15	INTERNATIONAL, et al.,	)	ARMSTRONG AND REQUEST
16	Defendants.	)	FOR PRODUCTION OF
17		)	DOCUMENTS
18		)	
19		)	
20		)	
21		)	
22		)	
23		)	
24		)	
25		)	
26		)	
27		)	
28		)	

AND RELATED CROSS-ACTIONS

TO ALL INTERESTED PARTIES AND THEIR ATTORNEYS OF RECORD.

PLEASE TAKE NOTICE that defendants AUTHOR SERVICES, INC. and  
BRIDGE PUBLICATIONS, INC. will take the oral deposition of Gerald  
Armstrong on April 24, 1990 at 10:00 a.m. at law offices of Toby L.  
Plevin located at 6380 Wilshire Boulevard, Suite 1600, Los Angeles,  
California after plaintiff (who has previously noticed and subpoenaed  
Gerald Armstrong for deposition on said date) has completed its  
questioning. Said deposition shall continue from day to day until  
completed unless other arrangements are made on the record.



1 PLEASE TAKE FURTHER NOTICE that Gerald Armstrong is hereby  
2 requested to produce the following items at the time of his  
3 deposition:

4 Tape(s), or any other records, whether sound  
5 or written, of recordings of any and all  
6 telephone conversation(s) between Lawrence E.  
7 Heller and Gerald Armstrong whether such  
8 tape(s) record both participants or one  
9 participant to said telephone conversation(s).

10 Said deposition shall be taken before a duly commissioned  
11 Notary Public who may appear therefore.

12 Dated: April 3, 1990

13 TURNER, GERSTENFELD, WILK & TIGERMAN

14  
15 BY: 

16 Lawrence E. Heller  
17 Attorneys for Defendants  
18 AUTHOR SERVICES, INC. and  
19 BRIDGE PUBLICATIONS, INC.  
20  
21  
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27  
28



That the above documents are material to the issues involved in the case by reason of the following facts:

Deponent has filed a declaration in this litigation in support of plaintiff's case, and one of plaintiff's motions, wherein telephone call(s) with Lawrence E. Heller were described. The attorney for plaintiff, Toby Plevin, has stated on the Court's record that recordings were made of those telephone call(s). The content of those telephone calls are disputed.

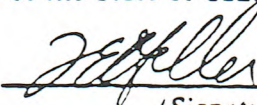
That good cause exists for the production of the above described matters and things by reason of the following facts:

Defendants herein have no other source of obtaining this information other than this method.

WHEREFORE request is made that the Subpoena Duces Tecum issue

Executed April 3, 1990, at Beverly Hills, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

  
(Signature of Declarant)  
Lawrence E. Heller



PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 8383 Wilshire Boulevard, Suite 510, Beverly Hills, California 90211.

On April 3, 1990, I served the foregoing document described as NOTICE OF TAKING DEPOSITION OF GERALD ARMSTRONG AND REQUEST FOR PRODUCTION OF DOCUMENTS by placing ☐ the original ☒ a true copy thereof enclosed in sealed envelopes addressed as follows:

Toby L. Plevin, Esq.  
6380 Wilshire Boulevard  
Suite 1600  
Los Angeles, CA 90025

Kendrick Moxon, Esq.  
Bowles & Moxon  
6255 Sunset Boulevrd  
Suite 2000  
Los Angeles, CA 90028

William T. Dresher, Esq.  
Wyman, Bautzer, Kuchel & Silbert  
2049 Century Park East  
14th Floor  
Los Angeles, CA 90067

Michael Hertzberg  
740 Broadway  
5th Floor  
New York, New York 10003

☒ BY MAIL - I deposited such envelope in the mail at Beverly Hills, California. The envelope was mailed with postage thereon fully prepaid as follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Beverly Hills, California in the ordinary cause of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ BY PERSONAL SERVICE - I delivered such an envelope by hand to the offices of the addressee.

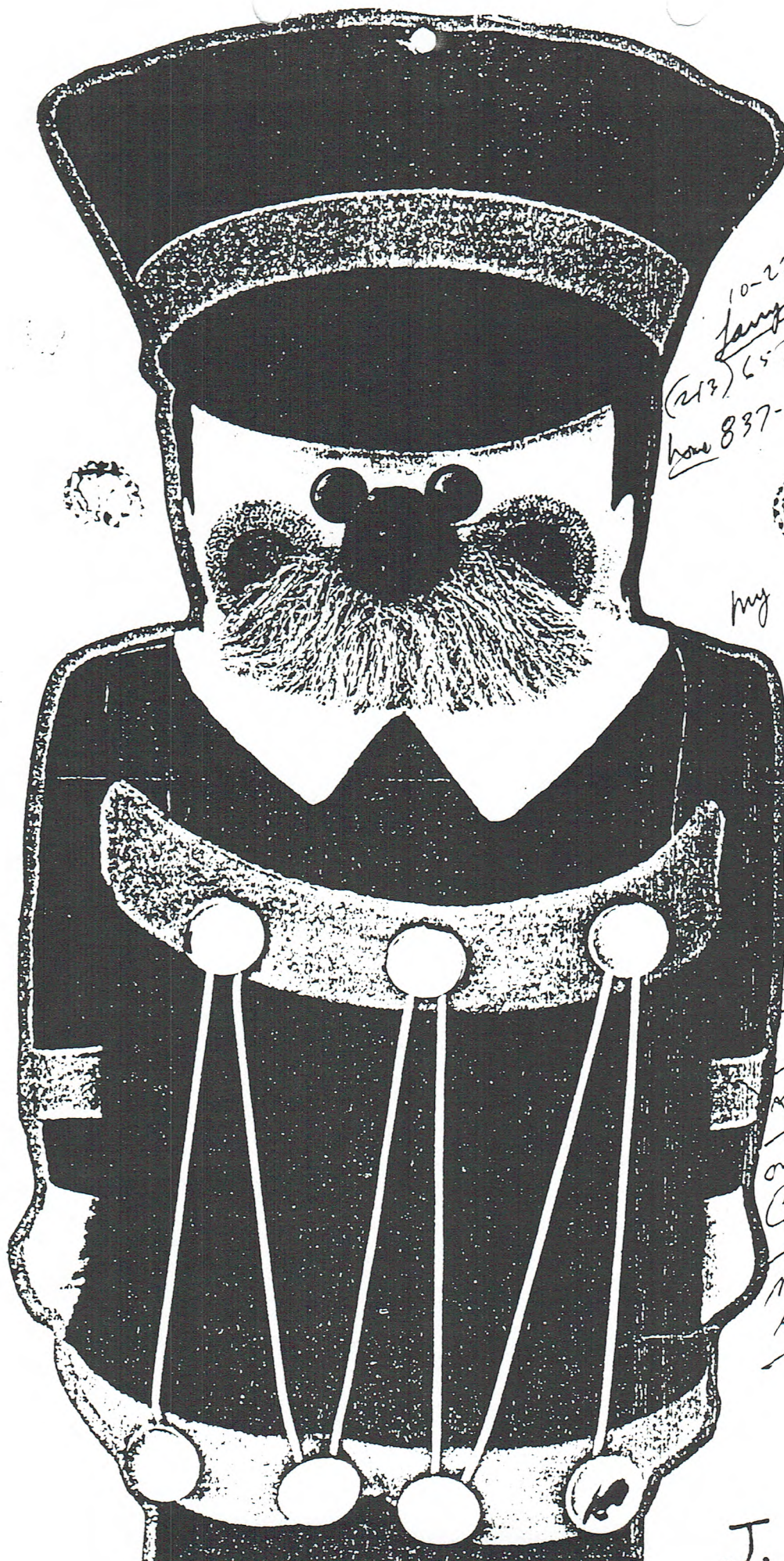
☒ (State) I declare under the penalty of perjury under the laws of the State of California that the above is true and correct.

☐ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on April 3, 1990, at Beverly Hills, California.

  
SUSAN J. FLEMING





10-23-89  
Larry Heller  
(213) 657-3100  
home 837-8651

my bottom  
line -

to  
keep  
off  
status  
quo -

reinvolved  
Toby Plam

no relevance  
only  
Court order

must  
prayer

J.



10-25-89

Larry Heller -

1417

① 11-16-89 okay

1419

cut off

② can't have  
organization Bay for  
atty -

- offered to other side

(I'll call me back -

I said I'd call  $\pm$  today).

44

- if you find -

us to you

- letter -

have a problem  
me regarding

eg - when in C of S

when architect -

didn't you find out  
misrepresented name



②

Don't concern self

w/ who like

- obligation entered into

- lawfully issued  
subpoena

- contract actual obligation

od money for

- not to divulge  
confid info.

---

if it were

- wholesale disclosure

- problem -

- trying to be fair

-

---

answer to problem

- answer is let final

arbitrator 106



decide - ③ the Ct

- flockmail into settlement
- must move songel on board
- stuck in middle of T.
- signed contract
- & .

made offer if  
Ct says - fine \$250.00  
we will indemnify  
- sanction -

you want it tested

- enter to songel -
- determination
- answer



(4.)

- outside chance
- Christ - will agree
- sanctioned by us -
- will take resp.
- talk to other attys
- don't lie
- mortal combat
- have to avoid town
- protect
- rat
- put position where  
wouldn't be sanctioned

- 
- can't do n/g
  - have to talk Oliver out.
  - a. appear -
  - b. what do w/questions
  - rat reassurance get



(5)  
want for Ct

- process long protective  
order to stop logs.

---

single -

1999-82 - B.C.

gs -

have to prevent getting -  
on record -

---

Q. C.P.I.T. - goes to judge.

- stopped us -

e/b a. for sanctions -  
determined  
if breached settle -  
ment agreement



66  
"if owner may get  
sued -"

- I'll be back  
- will not come  
now.

- have atty call  
- explain situation  
- can cover bill -

- believe atty will

safest position

protect ass &  
client's ass

- won't jerk around  
- attempt -



⑦  
Don't have problem w/  
if e/b beat us Bert Crydon -

---

Qd a lot of money

① e/b such of lit:

② didn't want joint

③ long confid -

n/g wrong w/ it

lots of settlement

- Michael wanted as  
much as we.

- B.C.'s - n/g to do

w/ case -

- hopefully.

- Milosavljevic vs Prognosis  
/ally

- art & died

Perspective.



to talk into giving a declaration.

11-20-89

L.H. 1545

- received

- very strong for & supply

- 2 top  
1. little so a minute  
contact w/ Goyda

- 2. subsequent to  
being - received  
no info re Goyda

- assistance to us &  
help assure  
you -

also not go feed

- possible to go feed -



②  
- know Bert quite well -  
- to leverage a settlement

- to a great  
- knew in Church -

- 

---

you th will help BC  
by opening -

- BC will never help me  
- only us -

- 

---

will rectify the problem

- should have a long talk  
w/ alth



(2)

- agreed on disclosure
- knowledge of BC's in church.
- other side if plant lost SPH know.
- they considered each other
- will carefully examine rights
- when occur strongly suggest
- refuse to comply subject to other instructions
- contractual obligation as for as I can tell.



This is a transcript of a recording of Gerald Armstrong's side of a telephone-call received from attorney Lawrence Heller on November 20, 1989. The recording begins after the start of the conversation. Times when Mr. Heller is speaking are indicated by "LH." Armstrong's notes of Mr. Heller's words made during the call should be read to make the conversation understandable.

LH

GA I don't think so.

LH

GA I don't...No, it would be inappropriate.

LH

GA Yeah, I know Bent quite well.

LH

GA I would say that I'm a relevant witness.

LH

GA I would say to a great extent.

LH

GA I don't believe that I can. That I can... from everything I've seen that's going on, and everything I've heard that's going on, and knowing my history, and the issues, I cannot see me ducking it at all. I can't see that

LH

GA Right.

LH

GA Right. But the truthful declaration would be that I would see that my experiences and my knowledge of Bent would be relevant to his case. And that's what I'm saying, that it would be impossible for me to state it any other way

LH



GA Uh, yeah.

LH

GA Yeah

LH

GA Yeah, I think that you could check with Ken Long on, you know, what has been done regarding Gerald Armstrong subsequent to the settlement

LH

GA There have been a number of things. The organization has not been silent in the least.

LH

GA He'll be able to tell you. Just simply say.....Get from him everything that's been filed regarding Armstrong, everything that.... all of his declarations regarding me, all the false report....so-called false corrections that have been put out subsequent to the settlement, any time that the so-called Armstrong Operation videotape has been used subsequent to the settlement. I think you'll find a rather extensive list

LH

GA There was an edited version

LH

GA Yeah.

LH

GA Yeah.

LH

GA Okay, bye.

End

Internal Revenue Service

Department of the Treasury

Washington, DC 20224

Church of Spiritual  
Technology  
419 North Larchmont, Suite 162  
Los Angeles, CA 90004

Person to Contact:  
Mr. M. Friedlander

Telephone Number:  
(202) 566-6701

Refer Reply to:  
E:EO

Date: JUL 8 1988

Employer Identification Number: 95-3781769  
Form: 1120  
Tax Years: All Years

Dear Applicant:

This is a final adverse ruling as to your exempt status under section 501(c)(3) of the Internal Revenue Code.

This ruling is made for the following reasons:

1. You have failed to establish that you are operated exclusively for exempt purposes as required by section 501(c)(3) of the Code. You have not demonstrated that your activities and purposes conform to exempt purposes and activities as required by section 501(c)(3) of the Code.

You are one of a number of organizations which were created pursuant to a reorganization of the Church of Scientology which took place in 1981 and 1982. The reorganization was undertaken after the Service revoked the exempt status of the Church of Scientology of California, the former "Mother Church" of the denomination. The basis of the revocation was that the California church was an ordinary commercial enterprise, the Church's income inured to L. Ron Hubbard, founder of the Scientology religion, and the Church had violated public policy by conspiring to impede the Service from assessing and collecting taxes which were lawfully due. Church of Scientology of California v. C. I. R., 83 T.C. 381 (September 24, 1984). The revocation was sustained by the Tax Court and upheld by the Court of Appeals for the Ninth Circuit. 823 F. 2d 1310 (9th Cir. 1987).

An earlier case involving a Scientology organization had also resulted in a finding of private benefit to Mr. Hubbard and members of his family. Founding Church of Scientology v. U.S., 412 F. 2d 1197 (Ct. Cl. 1969), cert. den., 397 U.S. 1009 (1970).

In the Church of California case, cited above, the Tax Court described how the Church attempted to frustrate the Service's efforts to examine its financial affairs. The Church maintained no books or journals to record



### Church of Spiritual Technology

and systematize its financial transactions. Therefore, the examination had to proceed on the basis of millions of separate checks, invoices, and disbursement vouchers. The Church's accountant saw to it that these documents were provided in no semblance of order. He advised another church to "give the IRS agent a bunch of records in a box in no semblance of order, to place the agent in a dark, small, out-of-the-way room, [and] to refuse to give practical assistance locating records." In the face of such tactics, the IRS spent approximately two years in an unsuccessful attempt to audit the Church's 1968 and 1969 financial operations.

In addition to the above tactics, the Church knowingly and purposely misled the IRS concerning extensive operations it conducted in the United Kingdom. It concealed from the examiners the fact that it regularly received debit advices from foreign banks in lieu of canceled checks. It never produced canceled checks from some of its accounts which it maintained in the name of another corporation. When checks were produced, they were sometimes detached from their stubs. Boxes of records were mislabeled. The Church intentionally delayed in providing requested records and in some instances it never provided the records at all.

In order to establish whether the reorganized Church of Scientology was operated exclusively in furtherance of exempt purposes, we sought to obtain detailed information from you and from the other newly created entities which had filed applications for recognition of exemption. Although some information was initially provided, the information was incomplete or partial. Eight of the organizations eventually withdrew their applications without providing the information we had requested.

While the applications were pending, witnesses gave testimony in court cases involving churches of Scientology. See Church of Scientology of California v. Gerald Armstrong, No. C 420153 (Calif. Super. Ct., July 20, 1984); Founding Church of Scientology of Washington, D.C., Inc., et al. v. Director, Federal Bureau of Investigation, et al., 802 F. 2nd 1443 (1985), cert. den., 56 U.S.L.W. 3231 (October 6, 1987). The testimony was to the effect that L. Ron Hubbard continued to control the Church of Scientology for his private benefit. Witness testimony in the Armstrong case alleged that the project known as Mission Corporate Category Sort-Out (MCCS) had been undertaken by the Church of Scientology of California in 1980. The alleged purpose of the MCCS project was, according to the testimony of Laurel Sullivan, to devise a new organizational structure to conceal L. Ron Hubbard's continued control of the Church of Scientology. In the Founding Church v. Director, F.B.I. case, to which the Service was a party, the government successfully argued that L. Ron Hubbard should be required to appear and be deposed because he was a managing agent of the Church. Mr. Hubbard did not appear and the case against the government defendants was dismissed with prejudice.



Church of Spiritual Technology

We asked the remaining applicants who had not withdrawn their applications to comment on the matters noted in the Armstrong and Founding Church v. Director, F.B.I. cases. They responded that the testimony related to other organizations and time periods, attacked the credibility of the witnesses, and stated that L. Ron Hubbard did not hold any position of control in any church of Scientology even though he was still revered as the founder of the religion. We were told that the present corporate structure had been designed after those responsible for the MCCS project had been dismissed from the church and that the work done on the MCCS project was not considered or consulted in designing the new organizational structure presently in place. At the same time, we were furnished for the first time a chart showing levels of authority and departments within the new organizational structure. One of the departments, the Commodore's Messenger Organization (International), exists within the corporate structure of Church of Scientology International, the new "Mother Church" of the denomination. According to allegations made in the Armstrong case, L. Ron Hubbard controlled the church through the Commodore's Messenger Organization utilizing David Miscavige, Pat Broeker and Anne Broeker to carry out his orders. David Miscavige, Anne Broeker, and Lyman Spurlock were the original trustees of Religious Technology Center. Mr. Miscavige enjoys a position of influence in the reorganized Scientology structure which we have been informed derives from "moral authority" rather than from any official position in the corporate structure. Lyman Spurlock is President of Church of Spiritual Technology and, along with Mr. Miscavige, is an employee of Author Services, Inc. Author Services, Inc., is a for-profit corporation formed to provide services to L. Ron Hubbard in connection with exploitation of patents and copyrights which Mr. Hubbard owned.

On January 7, 1986, we issued an initial adverse ruling on your application. You submitted a written protest to our initial adverse ruling. In your protest we learned for the first time of the existence of still other organizations which were related to the new Scientology operating structure. Following your protest conference, which was held in January, 1987, we asked you to provide more detailed information about these new "international" organizations, including International Association of Scientologists, International SOR Trust, SOR Management Services, Ltd., Scientology International Missions Trust, and International Scientology Religious Trust. In a letter dated November 24, 1987, we noted that you had previously agreed to supply that information to us. However, you did not supply the information.

In support of the protest to our initial adverse ruling, we were supplied with copies of affidavits dated December 4, 1986, from Gerald Armstrong and Laurel Sullivan. Ms. Sullivan was the person in charge of the MCCS project. The affidavits state that the new church management "seems to have returned to the basic and lawful policies and procedures as laid out by the founder of the religion, L. Ron Hubbard." The affidavits conclude as follows:



## Church of Spiritual Technology

"Because of the foregoing, I no longer have any conflict with the Church of Scientology or individual members affiliated with the Church. Accordingly, I have executed a mutual release agreement with the Church of Scientology and sign this affidavit in order to signify that I have no quarrel with the Church of Scientology or any of its members."

The history of Scientology's operations detailed in the Church of California case includes a lack of adequate financial records, public policy violations, deceptive practices and the maintenance of enemies lists against whom any actions, however illegal, were justified. The California case also demonstrates inurement of net earnings and benefit to the private interest of Mr. Hubbard, operations that primarily furthered commercial purposes conducted amid continuous representations denying control by and benefit to Mr. Hubbard, and a tenacious denial of the actual state of the organization's affairs in the face of overwhelming evidence establishing the true nature of the organization's operations. More recently, attempts to conceal Mr. Hubbard's ongoing control of Scientology were alleged in the Armstrong case. Utilizing testimony any witnesses from the Armstrong case, the government successfully argued that Mr. Hubbard was a managing agent of the Church of Scientology as late as 1984. See the Founding Church v. Director, F.B.I. case, cited earlier.

The events detailed in these court cases, which span almost the entire period of Scientology's history, create an inference that Scientology, even after reorganization, is not operated exclusively for exempt purposes. The fact that Mr. Armstrong and Ms. Sullivan elected to settle their personal differences with Scientology does not detract from the relevance of the statements they previously made concerning Mr. Hubbard's use of Scientology organizations to serve his private interest. Our experience with your organization similarly reflects a continuation of the pattern of inurement and benefit to the private interest of Mr. Hubbard, operations that primarily further commercial purposes, and denials of control by and benefit to Mr. Hubbard for periods prior to his death despite contrary judicial and Service findings. Blanket denials that Mr. Hubbard personally profited from his position of influence in Scientology and assertions that your operations exclusively further exempt purposes do not dispel this inference.

Mr. Hubbard died on January 24, 1986. But, his death did not alter the history of Scientology's prior operations or make available complete information about your actual operations. Moreover, the same individuals who controlled Scientology operations prior to Mr. Hubbard's death, and who participated in arrangements which resulted in inurement and private benefit, continued to control your operations and those of the other top level Scientology organizations after Mr. Hubbard's death. Thus, the possibility of inurement and private benefit continued after Mr. Hubbard's death and more complete information about your operations and financial affairs was required to assure that your operations had changed to eliminate any further private benefit.



## Church of Spiritual Technology

For the reasons explained above, in a letter dated March 17, 1988, we proposed to review your books of account and records and those of Church of Scientology International and Religious Technology Center. As explained in our letter of March 17, 1988, the purpose of this review was twofold. First, to determine the integrity of your financial and accounting systems so we could verify that the information you had provided was accurate. Second to verify that no part of your net earnings inures to the benefit of any private shareholder or individual and that there is no other disqualifying activity.

Church of Spiritual Technology, Church of Scientology International, and Religious Technology Center agreed to participate in the financial reviews pursuant to the letters of March 17, 1988. Church of Spiritual Technology, Religious Technology Center and Church of Scientology International informed us by letter dated June 24, 1988, that they would no longer participate in the review. The refusal to continue the review, concentrating on those areas of concern, and their failure to fulfill the terms of the March 17, 1988, agreement, prevents us from concluding that Scientology's operations have changed and that activities previously found to be disqualifying for purposes of section 501(c)(3) of the Code have been discontinued. Therefore, we conclude that you have not established that you are operated exclusively for exempt purposes as required by section 501(c)(3) of the Code.

### 2. You are operated for a substantial non-exempt commercial purpose.

In our initial adverse ruling of January 7, 1986, we concluded that you were operated for a substantial non-exempt commercial purpose because your activities assisted other organizations in maximizing sales of goods and services associated with the practice of Scientology.

In your protest and subsequent submissions you argued that your activities were engaged in for religious rather than commercial purposes. You contended that the provision of goods and services for a fee, which is characteristic of Scientology, was a permissible means of providing funds necessary for Scientology to support its operations, provide reserves for renovations and expansion, and to attract potential new members to the religion.



## Church of Spiritual Technology

We have carefully considered your arguments, but fail to see that sales of goods and services for a fee by Scientology organizations under policies and directives which emphasize sales and profits does not result in a primary purpose of engaging in activities similar in nature to those of an ordinary commercial enterprise, in which profits are the primary goal, rather than in advancing religious purposes. The fact that the fees provide a source of funds for operating expenses and future expansion and dissemination does nothing to distinguish these fee-for-service operations from similar activities of ordinary commercial enterprises. Therefore, by assisting and aiding in the marketing of Scientology, you are engaged in activities which further a substantial non-exempt commercial purpose.

Your archival activities relate to the materials constituting the scriptures of Scientology. These materials consist of the written and spoken works of L. Ron Hubbard on the subject of Scientology. Prior to his death, Mr. Hubbard held the copyrights on these materials. The works you collected were being commercially exploited by Mr. Hubbard and some of the organizations licensed by him. You were supported by income paid to you by some of the organizations engaged in this exploitation, notably Religious Technology Center and Church of Scientology Flag Service Organization, Inc., a subordinate of Church of Scientology International. You were thus performing functions which benefited these organizations and furthered their objective of marketing Scientology products and services.

After Mr. Hubbard's death, Religious Technology Center and Church of Scientology International and its subordinates have continued to market Scientology products and services. Your collection of original Hubbard writing and tape recordings enhances their marketing efforts because the products they market are derived from these original writings and tape recordings. Therefore, you are operated for a substantial non-exempt commercial purpose.

In addition, the refusal to continue the review agreed to in the letters of March 17, 1988, to Church of Spiritual Technology, Church of Scientology International, and Religious Technology Center, concentrating on those areas of concern, and their refusal to fulfill the terms of the March 17, 1988, agreement prevents us from concluding that Scientology's operations have changed and that activities previously found to be disqualifying for purposes of section 501(c)(3) of the Code have been discontinued. Therefore, we conclude that you have not established that you are operated exclusively for exempt purposes as required by section 501(c)(3) of the Code.



Church of Spiritual Technology

3. You are operated for the benefit of private interests and your net earnings inure to the benefit of private individuals.

In our initial adverse ruling, we concluded that your operations furthered the private interest of and resulted in inurement of net earnings to L. Ron Hubbard because he received royalties on the sales of products associated with the practice of the religion he founded. We also concluded that your activities served Mr. Hubbard's private interest through your participation in a plan to exploit Mr. Hubbards's trademarks, trade names, service marks, copyrights, and patents through licensing and assignment arrangements. We also concluded that your activities served the private interests of and resulted in inurement of net earning to organizations associated with Mr. Hubbard.

In your protest you called our attention to the fact of Mr. Hubbard's death and noted that his estate is in probate. Church of Spiritual Technology is the principal beneficiary of the estate and will receive the royalty income formerly received by Mr. Hubbard if it is determined to be exempt under section 501(c)(3). Based on these facts, you contend that private benefit, if there was any, ceased upon the death of Mr. Hubbard on January 24, 1986.

Mr. Hubbard's death does not erase the benefit and inurement to his private interest that occurred.

Further, both before and after Mr. Hubbard's death, you made the original writings and other materials formerly owned by Mr. Hubbard available to Church of Scientology International and Religious Technology Center in exchange for so-called "contributions" from Religious Technology Center and Church of Scientology Flag Service Org, Inc., a subordinate of Church of Scientology International. Religious Technology Center and Church of Scientology International engage in marketing Scientology to the public in a manner indistinguishable from that of an ordinary commercial enterprise. Therefore, your provision of the original Hubbard Materials to Religious Technology Center and Church of Scientology International serves the private interests of Religious Technology Center and Church of Scientology International.

In addition, the refusal to continue the review agreed to in the letters of March 17, 1988, to Church of Spiritual Technology, Church of Scientology International, and Religious Technology Center, concentrating on those areas of concern, and their refusal to fulfill the terms of the March 17, 1988, agreement prevents us from concluding that Scientology's operations have changed and



## Church of Spiritual Technology

that activities previously found to be disqualifying for purposes of section 501(c)(3) of the Code have been discontinued. Therefore, we conclude that you have not established that you are operated exclusively for exempt purposes as required by section 501(c)(3) of the Code.

4. You have failed to establish that you are not operated for the benefit of private interests and that your net earnings do not inure to the benefit of private individuals.

Trusts and corporations can be used to siphon income from allegedly exempt organizations for the benefit of private individuals. This happened in the Church of California case. An allegedly religious trust and dummy Panamanian corporations were used to funnel money to L. Ron Hubbard.

Although the organizational structures employed by Scientology have changed since the California case, you have not clearly established that your relationship with the new entities furthers your exclusively exempt purposes. The past history of Scientology's operations suggests that the purpose of these organizations may be to disguise the fact that private interests are the ultimate beneficiaries of the reorganized operating structure.

An example of an organization which may serve private interests is International Publications Trust (IPT). Prior to the formation of IPT, L. Ron Hubbard granted licenses to New Era Publications (NEP) to produce Scientology books and E-meters. NEP sublicensed Bridge Publications, Inc. (BPI). The license and sublicense agreements provided for royalty payments from BPI to NEP and from NEP to L. Ron Hubbard. Then, IPT was formed to act as the holding company parent of BPI and NEP.

You informed us that IPT has two foreign trustees, Church of Scientology Religious Education College, a corporation, and Geoffrey Clunie, an individual. Our requests for additional information about IPT and its trustees and their relationship to the reorganized Scientology structure have not been answered. So, we see in place an entity that controls Scientology publications and E-meter production controlled by persons about whom no information has been provided. In the absence of any other explanation for this arrangement, we have no alternative but to conclude that the holding company's real purpose could be to benefit Mr. Clunie's private interest or the private interest of the College, just as intervening trusts and corporations were used to mask benefits to the private interest of L. Ron Hubbard.



## Church of Spiritual Technology

It is also clear that NEP and BPI share in the commercial exploitation of these properties to benefit their own private interests. Mr. Hubbard's death did not effect the rights that NEP had already received from Mr. Hubbard prior to his death. Therefore, NEP and BPI are continuing to benefit from their part in the commercial exploitation of these properties even though Mr. Hubbard is no longer sharing in the benefits of the commercial exploitation. Even if Church of Spiritual Technology does eventually become the owner of the patents and copyrights formerly owned by Mr. Hubbard, the licenses granted to NEP will still be in effect. Thus the private benefit to NEP and BPI is ongoing even though Mr. Hubbard is dead and even though a number of new Scientology organizations have been created. Further, it has not been established that other new and old organizations about which our requests for detailed information remain unanswered are not sharing in private benefit. The potential beneficiaries include Author Services, Inc., SOR Management Services, Ltd, International Scientology Film Trust, and International Scientology Religious Trust.

The same persons who were in charge of Scientology prior to Mr. Hubbard's death hold positions of control or influence in some of these new organizations. For example, persons who hold positions of influence in the reorganized Scientology structure also hold positions in Author Services, Inc., a for-profit corporation formed to benefit L. Ron Hubbard. Lyman Spurlock, David Miscavige, Greg Wilhere, Terri Gamboa, Marion Meisler, Maria Starkey, and Becky Hay, persons who hold influence in the reorganized Scientology structure, also hold positions in Author Services, Inc. Author Services, Inc., is now performing the same function of "collecting royalties" for the beneficiary of L. Ron Hubbard's estate. Thus, as happened in the Church of California case, the income of an allegedly exempt organization (Church of Spiritual Technology should it obtain recognition of exemption) will be passed through a for-profit corporation which is controlled by persons who also hold positions of influence in the Scientology structure.

A similar problem exists with regard to the "central reserves" of Church of Scientology International and its subordinate churches. A nonexempt foreign entity, SOR Management Services, is being paid under a contract to "manage" these reserves. Again, the income of allegedly exempt organizations is being passed through a nonexempt organization controlled by persons who hold positions in, or act as nominees for, organizations in the topmost levels of the reorganized Scientology structure.



## Church of Spiritual Technology

Moreover, a newly revealed organization, International SOR Trust, about which our inquiries remain unanswered, has an ongoing relationship with some of the organizations engaged in the exploitation of the properties formerly owned by Mr. Hubbard. For example, at one time International SOR Trust purchased the stock of Bridge Publications, Inc., from Church of Scientology of California and later disposed of the stock to International Publications Trust.

Furthermore, individuals closely associated with Cancorp Investment Properties, a for-profit British Columbia corporation allegedly formed to serve the private interests of L. Ron Hubbard, about which we inquired, have been in positions of influence in the reorganized Scientology structure. You refuse to provide detailed information about Cancorp Investment Properties or Religious Research Foundation, another organization allegedly formed to serve the private interest of L. Ron Hubbard, about which we also inquired.

The proliferation of associated entities also includes a number of other new "international" organizations, about which we have inquired but you have not responded to our inquiries. Since the Scientology operating structure is the only funding source for these organizations, they and the persons who control them are also sharing in the income generated by the activities of Church of Spiritual Technology, Church of Scientology International, and Religious Technology Center.

In light of the past history of Scientology's operations, this continuing sharing in the net earnings of Scientology by nonexempt entities is sufficient by itself to raise serious concerns about private benefit and inurement. Nonetheless, you have chosen to ignore these concerns or have provided incomplete or partial information which is not adequate to establish that private benefit and inurement are not flowing to nonexempt entities, some of which employ and are directed by the same people who hold positions of influence in the new Scientology operating structure. Such self-dealing does not lose its identity as private benefit and inurement merely because it is conducted through intermediary individuals and/or organizations.

Accordingly, we find that you are not exempt because you have failed to establish that you do not operate for the benefit of private interests and that your net income does not inure to private individuals contrary to the prohibition contained in section 501(c)(3) of the Internal Revenue Code. In addition, the refusal to continue the review agreed to in the letters of March 17, 1988, to Church of Spiritual Technology, Church of Scientology International, and Religious Technology



Church of Spiritual Technology

Center, concentrating on those areas of concern, and their refusal to fulfill the terms of the March 17, 1988, agreement prevents us from concluding that Scientology's operations have changed and that activities previously found to be disqualifying for purposes of section 501(c)(3) of the Code have been discontinued. Therefore, we conclude that you have not established that you are operated exclusively for exempt purposes as required by section 501(c)(3) of the Code.

Furthermore, the Service considers your failure to fulfill the terms of the March 17, 1988, agreement as constituting a failure to exhaust administrative remedies, as required by section 7428(b)(2) of the Code.

Contributions to your organization are not deductible under Code section 170.

You are required to file federal income tax returns on the above form. Based on the financial information you furnished, it appears that returns should be filed for the tax years shown above. You should file these returns with your key District Director for exempt organization matters within 30 days from the date of this letter, unless a request for an extension of time is granted. Returns for later tax years should be filed with the appropriate service center as indicated in the instructions for those returns.

If you decide to contest this ruling under the declaratory judgment provisions of section 7428 of the Code, you must initiate a suit in the United States Tax Court, the United States Claims Court, or the District Court of the United States for the District of Columbia before the 91st day after the date that this ruling was mailed to you. Contact the clerk of the appropriate court for rules for initiating suits for declaratory judgment. Processing of income tax returns and assessment of any taxes due will not be delayed because a declaratory judgment suit has been filed under code section 7428.

If you have questions, please contact the person whose name and telephone number are shown in the heading of this letter.

Sincerely yours,

(Signed) E. D. Coleman

E.D. Coleman

Director, Exempt Organizations  
Technical Division



EXHIBIT 6 FOR IL  
PAT AYERS, NP-CSR  
DATE 4-24-90  
WITNESS H. Armstrong  
PAGE 1 OF 121

10-11-86

DECLARATION OF GERALD ARMSTRONG

I, Gerald Armstrong, declare:

1. I have been informed by my attorney, Julia Dragojevic, that attorneys for plaintiff Scientology organization have advised her that they intend to tell the Court that the organization has now fully complied with the Court's orders of July 2, September 9 and December 9, 1985 regarding production of documents. The purpose of this declaration is to show that the Court's orders have not been complied with.

2. I have reviewed the documents received from plaintiff organization as my "B-1" file. This is offered by the organization as full compliance with original requests for production:

2. All originals and all copies of Guardians Office files pertaining to Gerald Armstrong.

3. All originals and all copies of correspondence of the Guardian's Office pertaining to Gerald Armstrong.

Attached hereto as Exhibit A is a 14 page "time track" or chronology produced as part of the B-1 file. I have circled in red the date of 87 time track entries for which the documents from which they were extracted have been deleted from this "B-1 file."

3. "B-1" was a designation, known from a certain level upwards in the organization, for the Guardians Office intelligence bureau. B-1 gathered intelligence internally and externally and overtly and covertly, and it ran agents and



1 carried out operations against enemies to frame them, compromise  
2 them, or otherwise nullify them as a threat. The GO also ran  
3 public relations, finance, legal, and they had, except for a  
4 couple of L. Ron Hubbard's personal public relations officers,  
5 total control of any organization interfacing with government  
6 agencies, the media, law enforcement, private investigators, and  
7 enemies. The only thing the GO did not run was the auditing-  
8 training income-making apparatus of the organization. And that  
9 part of the organization would have no files on me. Within the  
10 GO each bureau had its own files. These files often related to  
11 enemies. "Freedom," the organization's tabloid black PR tool,  
12 was part of the GO. And the GO was itself a part and function  
13 of the Church of Scientology of California corporately and it  
14 was operated by Hubbard through his wife, the Controller. There  
15 has been a continuity in GO activities, and in many cases  
16 personnel, right to present time. The organization still puts  
17 out "Freedom," it still does PR and black PR, it hires private  
18 investigators, lawyers, graphologists, etc., it has a finance  
19 bureau, and it has intelligence data gathering and covert  
20 operations; and it has files on me in each of these areas.  
21 Different organization units performing these functions from  
22 1982 onward include Special Project, ASI, Religious Technology  
23 Center (RTC), Office of Special Affairs (OSA) (which is divided  
24 into OSA Pac(ific), OSA US, OSA Int(ernational), etc.), Mission  
25 All-Clear (MAC) (also with local, continental and international  
26 units), Commodore's Messenger Organization (CMO) units, Watch-  
27 Dog Committee (WDC), and possibly others unknown. The corporate  
28 name personnel in these units supposedly worked for was

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1 irrelevant since Hubbard, the GO, and the messengers who took  
2 over the GO functions in 1981 by-passed all corporate lines.  
3 The last time track entry in the "B-1" file (see Exhibit A) is  
4 June 15, 1982. The organization had already begun its PI  
5 surveillance of Jocelyn and me, yet there is no time track  
6 reference to the PIs or their product. That the organization's  
7 intelligence bureau was not running the PIs and not getting  
8 their product is a laughable impossibility. The real GO files  
9 on me, as for major enemies, would have been started in 1982.  
10 Before then there would have been an accumulation of some  
11 materials in my "B-1" file, notably everything from the three  
12 weeks I was locked up on Hubbard's order in B-1 at GO US in 1976,  
13 but even this plaintiff organization has failed to produce. In  
14 the spring and summer of 1982 the organization escalated the  
15 attack against me--- the PI's, the assaults, the attempted  
16 criminal charges with the LAPD, many meetings with organization  
17 personnel, the London operation, the "Armstrong Operation" (or  
18 Sherman-Ingram Operation), more attempted criminal charges with  
19 the LA DA and the FBI, media campaigns, "Freedom" campaigns. Yet  
20 the documents the organization offers end, but for a few  
21 exceptions, in the spring of 1982. Each of the operations or  
22 attacks is GO province and function. Organization attorneys are  
23 trying to make believe that if the name changed the function  
24 disappeared. An analogy would be the War Department under FDR  
25 becoming the Department of Defense. The functions remained the  
26 same and there was, as in GO activities, continuity until present  
27 time. The B-1 file produced is a joke. The organization is  
28 asking me to believe that after it raised me in importance to

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1 its number one or two enemy, all reports, correspondence, orders,  
2 evaluations, programs and operations concerning me ceased. The  
3 material received as "B-1" is a small fraction of the  
4 documentation in the organization's actual intelligence files on  
5 me. Then there are the PR and legal files.

6 4. I refer the court to my declaration of April 9,  
7 1986 in which I listed various incidents, operations or  
8 publications which were clearly organization creations and  
9 concerning which the organization had produced no documents. The  
10 facts of that declaration, except for the subsequent receipt of  
11 the partial "B-1" file, are essentially the same as they were  
12 then and I incorporate that declaration by reference herein. At  
13 page 14, no. 21 I described the documents still not produced  
14 concerning the "Armstrong Operation," an organization  
15 intelligence operation which has been running from 1982 up to the  
16 present. The organization is still using the fruits of that  
17 operation, in fact, to make millions from its adherents (see p.  
18 22, no. 6 of the April 1986 declaration). To prevent the  
19 organization from being able to completely sidestep the Court's  
20 various orders regarding production of documents with the sham  
21 that the unproduced documents described in my declaration post-  
22 dated the renaming of the Guardians Office, Ms. Dragojevic  
23 served the organization's attorneys with the request for  
24 production attached hereto as Exhibit B. This request lists the  
25 documents specified in my declaration as not produced in non-  
26 compliance with the Court's orders. Request no. 21 asks for the  
27 documents relating to the "Armstrong Operation." The  
28 organization's response, signed by attorney John Peterson, is

(21)

EXHIBIT 18 PAGE 4



1 attached hereto as Exhibit C. Mr. Peterson stated in response to  
2 request no. 21:

3 "Armstrong Operation" is a characterization  
4 invented by Cross-complainant as no such  
5 "operation" has ever existed. Cross-defendant  
6 has no such documents in its possession, custody  
7 or control.

8 This is such a big lie it boggles the mind. "Armstrong  
9 Operation" is the organization's term; however the operation's  
10 name is irrelevant. If the organization labelled the operation  
11 "Armstrong Program," "Destroy GA Plan" or "Freakout II," it does  
12 not matter. Mr. Peterson knows what is being referred to because  
13 he was and is an active participant in the operation. He filed  
14 sworn declarations in this case and in many more across the  
15 country, and with several government agencies. He used his  
16 perverse rendition of the operation, in fact in the "Further  
17 Opposition to Motion to Compel Production of Documents" filed  
18 with this Court May 8, 1985. If Mr. Peterson is believed, that  
19 there are no documents concerning an operation over almost 6  
20 years involving dozens of people, incredible expenditures of  
21 money for extra-legal actions, a bevy of PIs, three countries,  
22 illegal videotapes, bugs, a paid-off dirty cop, millions of  
23 "Freedom" tabloids devoted to the operation distributed  
24 internationally, manufactured evidence foisted on the LAPD,  
25 LA DA, Courts and the FBI, and a get-rich-quick scheme involving  
26 millions of dollars internationally, he sends a message back to  
27 his client organization that lies still work and it is still  
28 good strategy to thwart and abuse legal procedures.

132 10 5



1           5. Attached hereto as Exhibit D is a series of daily  
2 reports concerning me from intelligence personnel in the Greater  
3 Los Angeles GO to posts in GO US covering the period from  
4 February 22 to March 18, 1982. This was before the first SP  
5 Declare was issued on me. As can be seen, intelligence daily  
6 reports were created for actions as simple as the stakeout of  
7 Omar Garrison's residence even when nothing was observed. To  
8 say that the "Armstrong Operation" was created with no  
9 documentation, no orders and no funding, and that no reports  
10 were generated over four-plus years is beyond absurd. It should  
11 be noted that each of the individuals holding posts which  
12 received the reports or copies, also therefore possessed  
13 Armstrong documents and files.

14           6. Attached hereto as Exhibits E, F, G and H are  
15 documents entitled respectively "Juggernaut" Eval, Operation  
16 Freakout, Goodrich Suit Evaluation, and Christo Final Handling  
17 Eval. The Juggernaut document is a broad evaluation and program  
18 to attack Michael Flynn. The number of people involved is shown  
19 by the post distribution list on the first page. Freakout was  
20 an operation to frame a Scientology Critic, Paulette Cooper (PC)  
21 with a fake crime much as the organization has attempted with me  
22 on several occasions. The Goodrich document was written by  
23 Hubbard and is a model for attacking individuals with claims  
24 against the organization (see "Goodrich Eval" under the Policy  
25 section of the Juggernaut Eval). The same perfidious strategy  
26 used by the organization and its attorneys to invade my privacy  
27 cull and miscull my PC folders, and put the culled and misculle  
28 product, further distorted by their sinister minds, before the

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1 Court, is devised and ordered by Hubbard at page 14 of this  
2 document. The Christo Final Handling Eval, which is clarified  
3 by my affidavit of March 8, 1985, also attached as part of  
4 Exhibit H, concerns in part bringing criminal charges against  
5 Julie Christofferson, her associates and family, on Hubbard's  
6 orders. The organization similarly attempted bringing false  
7 criminal charges against me. Julie Christofferson was in  
8 Scientology for a few months in a fringe franchise when she was  
9 17 years old. Yet the organization in compliance with Hubbard's  
10 orders created this sophisticated program to destroy her,  
11 including use of her auditing session statements against her  
12 (see p. 2, operating target 4 under Libby/Eureka, Montana). It is  
13 unimaginable that the organization has done all it has to me,  
14 operation after operation, yet has no evaluations, programs or  
15 operations files concerning me. The only other possibility is  
16 that the organization and its attorneys have, in anticipation  
17 or violation of the Court's discovery orders, destroyed the  
18 evidence of their operations against me.

19 7. Mr. Peterson's response regarding a manuscript,  
20 artwork and other materials stolen from the trunk of my car on  
21 November 8, 1984 (see request no. 15 of Exhibits B and C) is:

22 Cross-defendant has no knowledge of any burglary  
23 of Cross-complainant's trunk. Hence, cross-  
24 defendant has no such documents in its possession  
25 custody or control.

EXHIBIT 110 PAGE 7

26 Attached hereto as Exhibit I are a letter dated November 9, 1984  
27 from Ms. Dragojevic to Mr. Peterson and his reply dated November  
28 30, 1984. Ms. Dragojevic advises Mr. Peterson of the theft and

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1 makes a demand for return of the materials stolen. He answers  
2 with accusations and threats. His claim now that his client has  
3 no knowledge of the burglary is just not true.

4 8. Another example of documents clearly withheld by  
5 plaintiff organization is in regards to the program to get the  
6 LA DA to bring criminal charges against me -- ultimately to have  
7 me jailed. This is all part of the "Armstrong Operation." At  
8 p. 23, no. 11 of the April 1986 declaration I showed, from the  
9 mouth of CSC, CSI, RTC and Hubbard attorney Earle C. Cooley, the  
10 existence of such documentation. The organization has produced  
11 none of these documents. A letter from the Office of the LA DA  
12 dated April 25, 1986, attached hereto as Exhibit J, however,  
13 reveals that Mr. Peterson and organization personnel provided a  
14 mass of documentation, even more than I knew before then existed,  
15 to the DA. Mr. Peterson knows that I know because he got the  
16 DA's letter. To consider that all this was done from no written  
17 orders, programs, evaluations or missions is madness. It should  
18 be noted that the recipients of the DA letter were all GO staff.  
19 Lyman Spurlock's testimony at trial in 1984 that he (as ASI  
20 staff) and others got rid of the 1100 GO staff criminals is  
21 untrue. Ken Hoden was GO staff; in fact he was involved in the  
22 program on Hubbard's orders to bring criminal charges against  
23 Julie Christofferson. Heber Jentzsch was a GO PR staffer for  
24 many years who was used for the organization's frontal PR attacks  
25 on enemies. He continues to perform the same organization  
26 function. David Butterworth is a longtime GO staff member. When  
27 I knew him in the organization he was an aide to Mary Sue Hubbard  
28 in the Controller's Office. John Peterson has been connected to

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1 the GO from the 1970's.

2 9. The organization has likewise still not produced the  
3 documents specified in connection with the other operations  
4 listed in my April 1986 declaration. I will not restate all  
5 these operations or the relevant documents, however, each  
6 operation is GO territory and each document relating to each  
7 operation fits squarely under the Court's various discovery  
8 orders. I cannot consider that the orders have been complied  
9 with until the documents relating to all operations are received.  
10 There are literally thousands of documents being withheld by the  
11 organization and its attorneys.

12 10. What the organization also is doing to avoid  
13 exposure and compliance with discovery orders is to strip the  
14 plaintiff "corporation" of its personnel, functions, buildings,  
15 assets and files. When I left the organization, the Church of  
16 Scientology of California (CSC), under Hubbard, was the entire  
17 GO, Sea Organization, and all Scientology above small outer  
18 organizations and franchises, which were even then under CSC/  
19 Hubbard control. Attached hereto as Exhibit K are pages from  
20 the deposition of Cynthia Morrow, "managing agent" of CSC, taken  
21 October 29 and 30, 1985 in the case of Church of Scientology of  
22 California v. Jordan, LA Superior Court No. C538 049. Ms.  
23 Morrow testifies that by 1985 CSC had been stripped of all  
24 money-making organizations (service orgs) and was merely an  
25 "Office of Special Affairs." In the Christofferson case in  
26 Portland, Oregon, former Executive Director International,  
27 William Franks testified that in December 1981 CSC had a net  
28 worth of \$340 million and \$150 million in one Sea Org Reserves



1 account alone. His testimony is attached hereto as Exhibit L.  
2 In the case of Wollersheim v. CSC, just tried in LA Superior  
3 Court, the organization submitted a financial statement,  
4 attached hereto as Exhibit M, claiming a net worth for CSC of  
5 \$18,667,947.00. On information and belief, in September CSC  
6 claimed that it had decreased its net worth another \$6 million  
7 plus since the May financial statement was prepared, leaving a  
8 net worth of around \$12 million. The organization's various  
9 conveyances and corporate machinations, however, should not  
10 shield the organization from liability for its tortious and  
11 criminal acts, and should not provide an escape from non-  
12 compliance with discovery orders. The Court has already ruled  
13 on the alter ego issue in this case, and this reasoning is  
14 applicable to this discovery matter. The people who run CSC  
15 run all of Scientology, and they can produce any document  
16 having anything to do with me now in the possession of any  
17 Scientology unit, organization, corporation or individual.

18 11. Attached hereto as Exhibit N is an organization  
19 policy written by Hubbard entitled "Order Board and Time  
20 Machine." In it Hubbard states as "a major policy:"

21 "if it is not written, it is not true."

22 He goes on to set as policy: "Even when one gives a verbal order  
23 it is also written down." There are literally dozens of  
24 organization policies insisting emphatically on the same thing:  
25 written orders, written compliances, written programs, written  
26 projects, written evaluations. Written orders, programs and  
27 missions are "word-cleared," "drilled," and "done in clay" so they  
28 are fully understood. It is impossible with verbal orders or

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1 reports. Even if the organization is hiding its orders, reports  
2 and files on me electronically in its computer system, and even  
3 if under my initials or a code designation, they exist. "If it  
4 isn't written it isn't true," and the insistence on everything  
5 being in writing is hard policy in all Scientology organizations.  
6 Virtually nothing except for body functions, at the Sea Org/GO/  
7 OSA/CSC level is done without written orders and a written  
8 record.

9 12. The organization's strategy, beyond its direct  
10 attacks aimed at my personal destruction, is to lie and stonewall  
11 to hopefully delay the January 1987 trial, or make it, with  
12 obstructions of all kinds, unbelievably difficult to try the case.  
13 The organization and its attorneys, who accuse me of conspiracy,  
14 are the conspirators in this paranoid and dangerous plan to  
15 thwart legal redress of their victims. The Court can move along  
16 the case and the discovery matters, and the organization's  
17 assault on sanity and justice can be checked by enforcing full  
18 compliance with its various orders, and the intent of the law.

19 I declare under the penalty of perjury under the laws  
20 of the State of California that the foregoing is true and correct.

21 Executed this 11th day of October, 1986 at Boston,  
22 Massachusetts.

23  
24  
25   
26 Gerald Armstrong  
27  
28



CHRONOLOGY: Gerry Armstrong

- 1 May 82 Flynn says he spent 24 hrs with Armstrong. There was a 50-50 chance Gerry would come down to the CJ hearings (he didn't). He (Flynn) said Gerry was really paranoid and afraid he would be murdered if he came to CJ.
- 25 May Gerry says he is now working in a law office as a researcher. He's not enthused over it. Also claimed some LRA photos were stolen - says he's mad as they were personal and worth a lot of money. Assumes they were stolen by the Church.
- 31 May Flynn says he will have lots of speakers for the "Open Forum" - including Wibs & Gerry Armstrong.
- 1 June Wibs says Gerry Armstrong brought 2 people out of the Church with him and that there are 10-12 who worked with WRH who are coming out. Says Gerry has docs that show the Church has \$250 million in cash in banks and \$35 million in one bank alone. Also Gerry is supposed to have original LRA application to explorers Club, personal orders from LRA, directions and codes, and that the 20/20 show will have data from Gerry.
- 2 June Gerry was served in person with a legal letter at Omar Garrisons PO Box. We got his license # and description at this time as well. The phone # Gerry has been giving out is Omar's publishers- Ralston-Pilot Publishing Co- answering services. Omar is pretty much the whole company.
- 9 June His new address is 1991 Newport Ave, Apt A, Costa Mesa Ca. He took his old phone # to this address. Report says he was shaken by the letter that was delivered to him (the legal one). He's not sure what it meant- thinks he's been sued, or about to be. Expressed remorse that things came out the way they did- since he has friends in SCN. He expressed bitterness with the "organization". Says he doesn't yet have an attorney but it looks like he will have to get one.
- 12 June Eddie Walters mentioned that Gerry Armstrong turned & brought Eddie everything he had as far as data. He came to Eddie in Clearwater. There will be a big meeting in LA and data about LRA will be made known (that he had operations & was on drugs) supposedly.
- also Eddie says Gerry provided him with lots of photos of LRA and some were supposed to have been only a couple mos old.
- 15 June 82 Flynn in CJ has a contract with Omar Garrison for the LRA Biography. It appears to be an original. He also has letters from Eddie concerning the publishing of the Bio- concerning royalties. They apparently were given to him by Gerry Armstrong. He also has Gerrys home and work phone numbers.

000001



# Gerry Armstrong T.I. entries

13

25 July 76 Signs a declaration that he feels Son has improved all areas of his life and has not suffered the slightest deterioration in any way, because of any action by any member of the Cof S. Witnessed by Lynn Freyland.

26 Mar 75 Gerry is assigned Liability for withholding Vital info- apparently by AG or JOT Flag.

Undated Gerry signs a bond covering confidential matters, in Canada, but its for the Church of Son. of Calif. It looks to be incomplete. That is not fully filled in by others who should have signed it.

15 Aug 75 GJM waives Gerry's psych history, and his CSM for the Gv is ok to go up lines. In his CSM to GJM he wants to join the Info Bureau.

1963 made 3 Or 4 visits to a Dr. Slakov (psych) in Vancouver BC. This was at his parents insistence, as they considered him emotionally unstable, difficult to control and he would get very angry. He was given tranquilizers twice.

1969 Got into Son at Little Fountain Franchise in Vancouver and was on staff there in 1970.

1970 On staff at Little Fountain Franchise in Vancouver.

Feb 71 Joined the SU and came to Flag in Feb 71.

Nov 74 holds the post of Mr Info in the Port Captains office on Flag.

22 Sept 75 Gerry signs a bond for 10,000 sterling to not divulge the whereabouts of the Apollo or any nature of his employment with the church.

22 Aug 77 Comm IV called at the request of Peter Gelfan who is on Mission. Gerry and 2 others in the RPF are accused of undermining and unmocking the mission.

30 Nov 77 Gerry is commended by Sir C/S (Looks like David Mayo) for his good work as RPF bosun, and for making the RPF successful. This same date there is a report from the Sir C/S that he is not PTS, and was handled earlier in the RPF, makes good case gain, all R/S's are handled as well as evil purps as he has had full XIN. Has C/S OK to graduate.

6 Apr 75 Despatch to the Man C/S, to get Gerry into session and fixed up. He is stated to be very upset, but is beginning to sag, self invalidate, going out of comm. is enturbulated and looks black.

Undated letter says that his parents think he has been shanghaied, that the two letters he did write weren't really from him. Says they have contacted Police & Interpol possibly.

13 June 75 Gerry receives a letter from his mother which says she got a letter (actually an unsigned post card) and 2 phone calls telling her Gerry had been shanghaied and was in trouble. Says he had written his mother, and so had Gerry, but she had never received the letters. He feels it is someone from his home area who is now disaffected with Son trying to cause trouble.

11 July 75 Gerry gets the post card that was sent to his parents. Says the handwriting looks much like George Kelly's. His mother said the people who called were definitely two different people. He has known George Kelly for years.

1963-68 Gerry Armstrong hung around with George Kelly. He has known him for 20 years as of 1975.

Sept 74 George sends Gerry some thing to "put in proper hands". This report says Roger Emmert got George and Gerry in XIN.



Undated - his 3 brothers- Jim, Andrew, and Tony. He also has a sister named Rosalie. His father is named Robert Martin Armstrong and his mother is named Phyllis. His father is retired and has lung trouble. Other Scientologists from his home town area are: Guy and Sheila Morlan, Joan McCandless, Roger Bennett, Tom Soroka, Art Griffin, Cecil Rudolf.

5 Sept 75 report states that Gerry's mother is antagonistic to Son and considers it a quack religion. She had priorly approached the Royal Canadian Mounted Police who had told her that since Gerry was over 21 there was nothing to be done. Gerry's phone call home was apparently taped by the RCMP.

Nov 75 Gerry has just earlier been on leave to visit and handle his family. Found they had been getting entheta from the McLean articles. His mother is antagonistic to both him and to Terry at first, but this does eventually get handled. Also during this visit there is a letter given to Gerry by his mother, from an former girlfriend who apparently still carries the torch- though she has been married herself for 3 years. Gerry's mother is asked to pass the letter on to Gerry in "your usual discreet manner".

24 Nov 75 a note states the Gerry has spent the last 5 years desperately trying to avoid auditing. Also that his mother is listed as a potential witness for a guy named Rankin in Canada, who is an enemy.

28 Aug 77 Gerry writes that his mother was in the hospital for an operation and for some reason was kept in the psychiatric ward of Chilliwack Hospital. He didn't ask anyone for details on why.

Oct 69 Took HAS course, Little Mountain 7am, BC.

Nov 69 Took the HAS course in Vancouver.

April 70 Took HSDC in Vancouver. Never completed.

Feb 71 was on the Bolivar in LA. Did the AB Checksheet. Didn't complete.

Feb 71 Was on Flag. Did checkout mini and SSI.

Aug 71 did the Skillur checksheet on Flag.

April 72 Got Dianetic Triples in Vancouver.

1971 got M1 Vordelairing on Flag.

April 75 did the Drug R/D.

Oct 18, 1946 Born Chilliwack, an Hospital, Chilliwack B.C. Canada.

1946-50 Lived in Sardis BC, Canada.

1950-57 Lived at 133 Princess Ave. N. Chilliwack

1957-65 Lived at 125 Princess ave Chilliwack, B.C., Canada.

1966-67 spent long periods in logging camps of Rayford Timber Co, on Vancouver Island, and in a camp of Cattermole Timber Co on Harrison Lake in BC.

1968-69 Lived in Vancouver BC, 3270(?) 7th ave, while attending University of British Columbia.

Oct 69-Jan 70 Lived at a different address in Vancouver with his brother. Didn't remember the address.

Jan 70-Sept 70 Lived with his brother Tony at 610, 10th ave.

Grades 1-6 attended Chilliwack elementary school

Grades 7-9 attended Chilliwack Jr. High school

000003



*Gerry Cunningham Time Track*

CONFIDENTIAL 15  
CLIENT  
PROVIDED

11 Mar 1971

Never attested to grade IV triples.

Mar 1972

WAS SHIPS REP.

11 Feb. 1973

DOES LIABILITY

JULY-AUG 1973

THERE ARE NUMEROUS NON-COMPLIANCE CHITS AND DEV-7.

Nov 1973

GERRY ETHICS FILES IS FULL OF NON-COMPLIANCE REPORTS

10 Nov 1973

GERRY IS ASSIGNED LIABILITY BY PCO 2643

14 Nov 1973

GERRY IS FOUND GUILTY OF PRETENSE PER PCO 2639-1

20 Nov 1973

WAS APPARENTLY ASSIGNED A CONDITION OF TREASON  
BY PCO 2639-1

20 Nov 1973

PCO 2639-1 ASSIGNS GERRY A 50 HOUR AMENDS PROJECT.

25 Nov 1973

IS ASSIGNED DOUBT PER PCO 2573-1

26 Nov 1973

IS ON POST AS SHIP'S REP, THIS IS PER A COMMENDATION  
FOR MOVING LHM, MSH INTO A HOTEL.

7 Dec 1973

PCO 2699 GERRY IS LISTED AS COUNTER INTENTION  
TO COMMODORE MESSENGERS, OTHER NAMES ARE ALSO ON  
THE LIST.

30 JAN 1974

HAD A RANK OF NSE.

30 JAN 1974

ASSIGNED A CONDITION OF LIABILITY. FOR A NON-COMP  
REGARDING CLEARING OF PASSPORTS.

Feb 1974

GERRY IS ABOARD THE APOLLO.

23 FEB 1974

FLAG PERSONAL ORDER PROMOTES GERRY TO WARRANT OFFICER

25 FEB 1974

GERRY IS PROMOTED D/PORT CAPTAIN I/c

000004



16

31 MARCH 1974 CALLED BEFORE A COURT OF ETHICS REGARDING FR STUDY,  
BY PCO. 2972

MAR 1974 ACTIVELY HOLDING POST OF SHIPS REP.

18 MAY 1974 GERRY IS ASSIGNED A CONDITION OF DOUBT BY PCO 3024  
FOR NOT WEARING HIS HAT.

12 JUNE 1974 GERRY DOES UP A LIABILITY FORMULA  
THIS WAS ASSIGNED BY PCO 2822.

JULY 1974 HOLDING POST OF DIR SHORE REALTIONS.

13 JULY 1974  
- 15 JULY 1974. DID CONDITIONS FROM CONFUSION UP THROUGH LIABILITY.

SEPT 1974 WAS HOLDING THE POST OF T/POST CAPTAIN.

Dec 1974 Meets Tonya Burden on the Apollo.

APR 1975 WAS ON POST AS DIR INFO.

15 Aug 1975 THE GUARDIAN WW APPROVES GERRY'S REQUEST  
ON THE PSYCHIATRIC HISTORY REQUIREMENT.

Feb-Apr 1976 GERRY WAS TANYA BURDEN'S DIRECT SENIOR.

1 JULY 1976 GERRY AND GERRY ARE ASSIGNED TO THE RFF BY PCO 4517  
THIS IS BY ORDER OF THE COMMODORE, CHARGES ARE:  
INSUBORDINATION, NEGLECT OF DUTY, CASE ON POST.

22 July 76 Finishes Basic Auditing Course on the RFF.

23 July (78) CA IS RFF Boson, routing on to entering course.

28 July 1976 GERRY SIGNS A PROMISSORY NOTE TO THE C OF S OF C  
FOR 3750.00 (NO DATA IF THIS IS A LEAK OR WHAT).

10 AUG 1976

ED 81 AREA ESTATES ED ORDERS THE DEMOTION OF GERRY  
FROM RFF BOSON TO SECTION MEMBER.

000005



20 Aug 76      CA finishes metering course.

24 Aug 76      Rids  
Finishes Course on RTT.

28 AUG 1976      GERRY ARMSTRONG IS APPOINTED TO RFF SUPPLY & STEWARDS OFFICER.

NOV 1976      DOES TREASON FORMULA.

9 Nov 76      Finishes RFF 1: and Sec Check Course.

17 Nov 76      Finishes TAs Course on RTT.

7 DEC 1976      DOES FIRST DYNAMIC DANGER FORMULA.

Dec 1976-Dec 1977 GERRY SAYS HE RAN THE RFF.

FEB 1977      DOES A LIABILITY FORMULA.

FEB/MAR 1977      GERRY ARMSTRONG IS RFF BOSUN

Summer of 1977      GERRY IS BOSUN OF THE RFF WHEN TONYA BURDEN IS PLACED THERE.

22 Aug 1977      COLM-EV CALLED ON 3 PERSON'S GERRY IS AN INTERESTED PARTY AND HIS POST IS RFF BOSUN. HE APPARENTLY WAS MESSING UP A MISSION THAT WAS MOVING ALONG.

14 Dec 1977      TERRY ARMSTRONG AND GERRY ARMSTRONG GO TO LV TO PICK UP TONJA BURDEN WHO HAD BLOWN.

30 Nov. 77      Dispatch from Larry Price RFF Bosun - " Gerry Armstrong has my unequivocal recommendation for graduation from the RFF. In my book he put the RFF here and when I stepped in to take over from him there was already a smooth running operation that was aligned with LRE's intention for the RFF. Gerry is one of the most honest individuals I have met and was an inspiration to me as a senior. I learned a lot from him and would not have been able to be an effective RFF Bosun without the hatting and experience I ~~next~~ received under him. He is an example the rest of the RFF can be proud of and is a Sea Org Member in the true sense of the term. He goes with my full back-up and best ~~postulates~~ postulates. He'll be a tremendous asset to whatever unit is lucky enough to have him. "

20 Dec. 1977      - Per dispatch of the date Gerry Armstrong is approved for SU provided he is not on GU or CSG lines. Not on CU lines or senior to messengers. Not to be trusted in a position of trust or near sensitive comm lines.



29 Sept 1978

IS ON A RPF READ IT DRILL IT DO IT COURSE  
ROUTING FORM. APPEARS HE IS ON RPF.

29 Sept 1978

GETS ON THE RPF BASIC HAT CHECKSHEET

1 Oct 1978

FINISHED RPF BASIC HAT CHECKSHEET.

1 Oct 1978

STARTED SOLO COURSE.

11 Nov 1978

FINISHES THE SOLO COURSE BUT ATTEST PART IS NOT  
SIGNED OFF NOR IS THE AUDITING PART.

19 Dec 78 Gerry is demoted from RPF MAA to RPF member per Conditions order 384 WHQ.

24 Jan 79

Armstrong goes to see Bill Fosdick and Debbie Carringer where they are  
staying at Fosdick's parents' home in Pine Grove, KKK Calif. ~~XXXXXX~~  
Fosdick & Carringer have blown the WHQ & SO and Armstrong sees them in  
order to get them routed out properly. He gets their agreements to  
get sec checked, do WH write ups, audited etc at a nearby hotel as  
~~XXXXX~~ arranged by George Carringer.

29 Jan 1979

IS HOLDING THE POST OF RPF MAA.

29 Jan 1979

IS REQUESTING A BOARD OF REVIEW (IT IS NOT CLEAR  
IF HE HAD REQUESTED IT PRIOR TO THIS DATE.

29 Jan 1979

BOB LITTLER WRITES A SUCCESS ON BEING ON THE  
RPF (NOTE: BOB IS NOW DISAPPOINTED AND ALSO THAT  
GERRY WAS THE RPF MAA AT THAT TIME OF HIS WRITING)

28 Jan 1979

GERRY IS HELPING BOB LITTLER GET ANY INJUSTICES  
CLEARED UP AND BOB IS REQUESTING A REVIEW COM-  
EV. IT SEEMS THAT GERRY IS REALLY ACTING BUDDY  
BUDDY WITH BOB.

7 Feb 79

SV Conditions Order 288-2 Review Comm Ev recommendeds his RPF Assignment  
be cancelled, he does not qualify as Joker and Degraded per points 1-4  
of RCAPL 5 Feb 77 Jokers and Degraded. He is assigned to SHQ to be  
assigned by SHQ CMO manager. Gerry takes the lowest condition if he has  
ever been assigned and works thru it w th full amends.

3 April 79

Gerry writes a report to comm ev re Chris Byrne/ Betty Tompkins  
and himself. Says Chris was feeding Betty ontheta while she was on the  
RPF, ( comments made by others about Betty) upsetting her. Said Byrne  
hated the CMO and threatened to leave his wife if she joined. Also that  
he hated the RPF policies and felt it was no better than a South Carolina  
jail. ( Byrne's statements)

007707

EXHIBIT 18 PAGE 12



8 Apr 79 Gerry writes a chit that recent vehicles bought are dangerous, inoperable and out PR. States he was told LRH ordered only \$500 be spent on each, but he feels this is wrong and others are using LRH to front for them.

9 Apr 79 Writes knowledge report on Fred Rock for his comm.

9 April 79 Writes a knowledge report defending Fred Rock who is under comm ev. Fred was Port Captain SU.

9 April 79 Gerry writes a report re Mike Butler. Debbie Carringer has told Gerry that she has seen only 2 W/Sees that she could attest as being valid. One was on herself in a solo session, so therefore, per Gerry, this casts doubt on Mike's having one, since Debbie has accused at least 2 other RFFers of having List one W/See.

14 Apr 79 Bitty Tompkins is returned to the RFF for false reporting on a fellow staff member by Laurel Rick and GA.

16 Apr 79 Enturb report on GA with RE & R about not getting his purchasing gas paid for.

17 Apr 79 Knowledge report from GA re transport saying there is a general feeling of overwhelm with the Transport Unit. Area needs a strong SO exec.

2 May 79 Gerry writes a chit on RFE staff as someone knew several hundred dollars worth of LRH's tools had been left in the rain and some had rusted. This was known by the RFFers, but they went to study instead of handling.

5 May 79 Gerry writes a chit on Bitty Tompkins complaining of the fact that she has not turned over her post properly, and that per an audit there is lost accounting, to the sum of \$11,000.

5 May 79 Gerry writes a chit on Chris Byrne for letting Bitty Tompkins leave the accounts area, and himself leaving the area, with accounts for the project not having been properly done. Says one disbursement was used to cover another due to out admin( Chris' act)

13 May 79 Gerry writes a chit on Randy Young who has lost some receipts and DV's( Disbursement vouchers) from the reaos project. He has to take a post back and can't find the receipt.

20 May 79 Comm ev called on Gerry and others is cancelled.

21 June 79 he left SU with Manny Francis- went by bus to San Francisco, dropped her off and continued to Canada.

22 June 79 Commendation on Gerry for his work on the 2 home pjt.

25 June 79 Manny Francis called Gerry in Canada and said she wasn't happy in SFO and people were trying to get her to not go back.

1 July 79 called Manny Francis. She said she wasn't going back to SU.



15 July 79 Write up of his connection with blown staff Manny Francis. Said he kissed her a few times, encouraged her to handle her 2D problems with husband Tom Francis. When it appeared she was adamant on divorce he took her to Tijuana

12 Aug 79 Gerry is promoted to Ensign( prov) by order signed by LRH. Flag Conditions order 3677

30 Aug 79 Shelly, R Services Chief writes Gerry has not handled Brenda Black yet. Everytime she is sent to get something she spends a long time finding it. Maybe someone else should be put in charge of LRH's gear.

6 Sept 79 Signs a security pledge not to reveal anything about the Church's confidential actions in Calif or any other part of the world.

28 Sept 79 Norm Starkey writes a report that Gerry has been a good worker and always put duty first, and could be trusted.

29 Sept 79 Gerry writes to Dir I & R and says he doesn't want to be on any justice actions for a while as he has too much work & his seniors are away, and the one he just finished caused him to lose too much sleep- making driving dangerous.

20 Oct Gerry is the chairman on a comm ev on Becky Pook.

3 Nov 79 Commendation from Jon Horwich for handling some R Rance cycles/

7 Nov 79 Compliance report to LRH to order dated 24 Sept 79- to work out a solution so the wet areas outside the house don't get tracked in on the carpets. He did the cycle- getting indoor and outdoor carpet mats.

6 Dec 79 Gerry requests a chit from Anne Luskett be withdrawn. Says he gave incomplete data to his seniors and upset s were caused as a result. ( Ann says this)

Jan 80 Gerry flew from the purif- he came to the C/S at all.

1980  
GERRY ARMSTRONG'S NAME IS ON A LIST OF PEOPLE WHOSE PARENTS HAVE GIVEN SCIENTOLOGY A HARD TIME.

Feb 18 80 Report( Commendation chit)O From Dawn Praeger to Laurel states Gerry did a lot of research into DIVX BOMBER. Was thanking Laurel for her help at a SEP event. Chit same date on Gerry ( Commendation) states he did a lot of work researching LRH's role in the film- Dive Bomber.

7 Apr 80 Gerry got off an ov in session that he had an out 2D with Liz Lee.

9 Apr 80 Does lowers on first dynamic( Doubt) on up.

8 Apr 80 Report from Laurel Sullivan- says he did documentation on the purif- very thorough- is back on the biographical material, that in some cases he does what he wants to - regardless of orders. He is now auditing on OT I & II- which is his first case progress in a long time. He didn't get along with Shirley but this got sorted out when Laurel threatened to throw them both out in the hall.



10 Apr 80 does lower conditions for first, 2nd & third dynamics for out 2D.  
( Lynn Lee)

14 Apr 80 report on Shirley Navarre( Lippmann)- says Shirley committed many overt products, that Laurel had trouble with her too.

17 Apr 80 Does Danger and emergency for letting 1st and 2nd dynamic activities conflict with 3D.

24 Apr 80 Commendation chit on Laurel Sullivan & Gerry Armstrong. Helpe- handle a flap at a wedding.

2 June 80 Shirley writes a chit on Jerry- indicates she would like it if he would STOP trying to be her personal ethics officer.

9 June 1980 Armstrong at SU

1 July 80 Gerry CSW's for a court of Ethics on Shirley Lippmann. Says he found a lot of overt products from her. ( poor quality reworking). However this is requested cancelled by A/ RAS Pers Office as she has been off the lines there and has done well in another area for the past 10 weeks. Feels her handling has been done.

12 July 80 Gerry is accused of making derogatory comments about the film Problems of Life. This clears up as a misdupe of a comm cycle.

9 Sept 80

George Kelly, a psychotic who is currently attacking Sen and threatens going to the CS Sun and give them a story, is currently in comm with Jerry Armstrong. They were on the Apollo together as crew members.

16 Sept 80 SC SU reports that per Lynn Walker, she did an out 2D scene with Jerry Armstrong.

23 Sept 80 Report from SC CMO SU that Gerry Armstrong had got drunk with Jeannie, Lynn and Sue possibly Olga too, was going to each girl kissing them, and then got into each ones bed in turn, this data from Sue. SC says she hears he is now doing fine- but he only came off with the thing with Lizzie(?) which was separate- and he should be confronted with the rest.

22 Oct 80 Commendation from Gary Press. Press was in training at USCO, possibly on Audits and finance.

25 Oct 1980

Armstrong writes in letter to George Kelly, " But there ~~is~~ some important points of agreement. HSH is the basic book and misapplication proceeds from HSH'S.  
" I have had the good fortune myself to have done some of the RAC ( NEW WORLD CORPS ) courses and auditing actions. These do bring about a ~~in~~ understanding of the basic materials. "



- 29 Jan 1981 Armstrong goes to Torrance to fix his photocopier and in Torrance he goes to restaurant to have breakfast where he ~~xxxx~~ see Arne Rosenblum and two ~~xxxx~~ men one of the men, ~~XX~~ Kevin Flynn as it turns out, came and sat by Armstrong and harassed him while eating.
- 7 March 81 Commendation Chit from SO #1 L/C for his assistance. Says he has provided service to all of us in SD#1.
- 4 June 81 No Report Chit from Laurel Sullivan- he failed to turn in state.
- 10 June 81 Gets an " appreciation chit " from Lisa Britovich- MCCS 2nd. Apparently he did work with this mission.
- 14 Aug 81 Jerry arrived from a research project in IOWA. Hadn't a clue what was going on. ( Re GO Missions ) Report says has been sort of leaderless- was under Laurel then she suddenly wasn't there any more. Per De De ( Voegding? ) Laurel had said she was about to pull Jerry infor Ethics handling as he had been nattering about CHO.
- 17 Aug 81 Interview with HGO CH FDOI states that he was never on GL legal or CHO lines directly so no ethics sit there. He noticed Laurel got upset really. Had not bad feelings about CHO. Was concerned about what was going on with Laurel, and the whole GO cycle. He was set up with his commlines to Barb Share & Sue. Says he has always maintained a good line with HGO & Qual when not off traveling. He is busy organizing all the data gathered on his trip, and says he has very good indicators on what he is doing and really enjoys what he is doing.
- 17 Jan 82 In meeting with Vaughn Young, Armstrong says that the current changes in the Church in the last six months came about because Ron was off the lines. Ron is the source of everything in Scn - both of these things implying LTH was the source of the criminality - per the report. The only way anyone can help him ( Ron ) is to leave Scn. He ( Gerry ) ~~is~~ can destroy/refute ( forget exact word ) every HCU3/FL that Ron wrote. He ( Gerry ) is ( and here I don't have exact word ) a sensitive case or potential threat because what he knows.
- 19 Jan 82 Report from Sue Koon who did interview on Armstrong ( case interview ) " Not far into it s he stopped auditing. He went on a leave and never got back on the level. Around that time I did ~~xxxx~~ an interview on him and he brought up the data that he had ~~xxxx~~ encountered ( the data he couldn't talk about ). It was pretty charged and there was nothing written in the worksheets as to the nature of what he was talking about, due to security. "
- 20 Jan 82 Per report from Vaughn Young, Young has seen Omar Garrison. Garrison mentions that he has seen GI a day or two before and spoke highly of Armstrong.
- 21 Jan 82 DMI US finds the Armstrongs living in Omar G's house while they were in Utah but since Omar has returned, they have moved to an apartment close by in Costa Mesa.
- 27 Jan 82 Report from Vaughn Y. - Vaughn meets with GI = He ( GI ) brought up ( and had some suppressed grief on ) a report written on him by Norm Starkey. Said the report was not sent to him but wanted a secret action done on Gerry. Said that was the final one and that was when he decided to leave.







31 Mar 82

GA has changed from thin to gaunt. All he eats is a half pound of brown rice a day. He's acting type III. GA says he wants to write a book which will be a thinly veiled science fiction parody of Sen and LPH. It will be about a writer who starts a cult. Says if you meditate God will talk to you. The voice he heard told him he ought to walk across the country and carry on his back all the food he could eat for the whole trip. Then he could write a book about his experiences. (He was encouraged). GA is still in comm with Omar. Per GA Omar is upset with the Church and wants to get the book back from the Church so that he can publish it himself - hopefully with a larger and more reputable publisher. His ARC I with the Church is that he is not able to put the "truth" about LPH in the book. GA says he's

in comm with Ron Strauss and others. He's been saying all pl doesn't work, drugs and LSD are OK, est works. Says LPH is paranoid and ill. Says he's been popping pills and is quite misemotional. Says LPH is being manipulated by those around him. Wife Joyce, agrees with GA but is less intorse. GA is in comm with Mibs personally and Barbara DeCelle.

1 Apr 82

Letter from GA to Dick Sullivan. Says he heard a rumor that someone out his way (SJ) embezzled a lot of cash so the rest of the crew had their hands cut off. Then more L.I. humor on the type A sits which developed etc. Says he's going to start a training pgm with weights pretty soon. Says he saw Jan Sherman a couple days ago and he's writing a book.

11 Apr 82

Dick Sullivan writes back to GA. His good reads and sort of motivating.

11 Apr 82

Ltr from Vaughn clarifying earlier report on GA's finances. Vaughn says he saw him balance his books before leaving. Review of GA's books showed them to be in order but discrepancies were found. During a trip through the mid-west he was traveling by himself for a couple of weeks, but suddenly another person joins him and there are then receipts for this other person. Couldn't find \$10-20 worth of book receipts. \$10 of receipts were made out to others who we did not know. GA put on some receipts that he was "representing CTC -author" which is misrepresentation. Vaughn's theory is that GA and Omar have homosexual relationship.

16 Apr 82

Dick Sullivan of SJ writes to Steve Marlowe sending him copies of two letters he got from GA. Letters say makes L.I. references to the GO trying to track him down, he's not impersonating a messenger, etc. Gives his FO Box and phone number.

18 Apr 82

Steve Marlowe asks Dick Sullivan of SJ for passing on the letters he received from GA, saying they are really a bunch of shit. Tells him to stay in comm with GA, with comm to GA going via Steve.

23 Apr 82

GA does notarized statements describing photographs in a photo album which were taken aboard Apollo on Dec 10, 1974. People include Terri Gillman, LPH, Pat Brooker etc. (Wedding pictures of Terri and Gerry Armstrong). The photos described above belong to LPH under the care of the GNC.

21 Apr 82

GA writes up description of a set of photos of LPH, saying where they were taken etc.

21 Apr 82

Jim Dinnel does a statement describing a group of photos of LPH, saying where and when each was shot.

24 Apr 82

SF Declare (revised) on GA is published. Says he took unauthorized leave, theft, church property stolen, reselling org property, impersonating a Sen when not authorized, etc. Says since leaving he has falsely represented himself as on a "secret mission," spoken out pro LPH, etc.

000013



1 May 82

Flynn says he spent 2 1/2 hrs with Armstrong. There was a 50-50 chance Gerry would come down to the CW hearings (he didn't). He (Flynn) said Gerry was really paranoid and afraid he would be murdered if he came to CW.

9 May 82

Dispatch from Norman Starkey says GA took some photos while doing research. He has reprinted them. No violation of the law here at all. The codes (which we did not specify as stolen are reprinted).

16 May 1982

GERRY RETURNED SOME SLIDES THAT BELONGED TO THE CHURCH, HE GAVE THESE TO ANDRE CLEVELL. GARY SIGNED A STATEMENT THAT HE HAD CHURCH PROPERTY.

25 May

Gerry says he is now working in a law office as a researcher. He's not enthused over it. Also claimed some LRH photos were stolen - says he's mad as they were personal and worth a lot of money. Assumes they were stolen by the Church.

31 May

Flynn says he will have lots of speakers for the "Open Forum" - including Nibs & Gerry Armstrong.

1 June 82

GA gets served with a legal letter at his PO Box in Costa Mesa.

EXHIBIT

PAGE

25

1 June

Nibs says Gerry Armstrong brought 2 people out of the Church with him and that there are 10-12 who worked with "RH" who are coming out. Says Gerry has docs that show the Church has \$250 million in cash in banks and \$35 million in one bank alone. Also Gerry is supposed to have original LRH application to Explorers Club, personal orders from LRH, directions and codes, and that the 20/20 show will have data from Gerry.

2 June

Gerry was served in person with a legal letter at Omar Garrisons PO Box. We got his license # and description at this time as well. The phone # Gerry has been giving out is Omar's publisher - Ralston-Pilot Publishing Co - answering service. Omar is pretty much the whole company.

9 June

His new address is 1991 Newport Ave, Apt A, Costa Mesa Ca. He took his old phone # to this address. Report says he was shaken by the letter that was delivered to him (the legal one). He's not sure what it means - thinks he's been sued, or about to be. Expressed remorse that things came out the way they did - since he has friends in SCN. He expressed bitterness with the "organization". Says he doesn't yet have an attorney but it looks like he will have to get one.

12 June

Eddie Walters mentioned that Gerry Armstrong turned & brought Eddie everything he had as far as data. He came to Eddie in Clearwater. There will be a big meeting in LA and data about LRH will be made known (that he had operations & was on drugs) supposedly.

also Eddie says Gerry provided him with lots of photos of LRH and some were supposed to have been only a couple mos old.

15 June 82

Flynn in CW has a contract with Omar Garrison for the LRH Biography. It appears to be an original. He also has letters from Bridge concerning the publishing of the Bio - concerning royalties. They apparently were given to him by Gerry Armstrong. He also has Gerrys home and work phone numbers.



1 CONTOS & BUNCH  
2 5855 Topanga Canyon Boulevard  
3 Suite 400  
4 Woodland Hills, California 91367-4694  
5 Telephone (818) 716-9400

6 Attorneys for Defendant and  
7 Cross-Complainant GERALD ARMSTRONG

8  
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 FOR THE COUNTY OF LOS ANGELES

11 CHURCH OF SCIENTOLOGY OF ) CASE NO.: C 420 153  
12 CALIFORNIA, a California )  
13 Corporation, ) [Severed Action]  
14 Plaintiff, ) REQUEST FOR PRODUCTION OF  
15 vs. ) DOCUMENTS FROM CROSS-COMPLAINANT  
16 GERALD ARMSTRONG, et al., ) GERALD ARMSTRONG TO CROSS-  
17 Defendants. ) DEFENDANT CHURCH OF SCIENTOLOGY  
18 ) OF CALIFORNIA  
19 AND RELATED CROSS-ACTIONS. )

EXHIBIT 11 PAGE 211

20 TO CROSS-DEFENDANT CHURCH OF SCIENTOLOGY OF CALIFORNIA AND TO  
21 ITS ATTORNEYS OF RECORD:

22 PLEASE TAKE NOTICE that pursuant to Code of Civil  
23 Procedure, Section 2031, on September 9, 1986, at  
24 10:00 a.m. at the Law Offices of Contos & Bunch, 5855 Topanga  
25 Canyon Boulevard, Suite 400, Woodland Hills, California,  
26 Cross-Complainant requests Cross-Defendant to produce for  
27 copying and inspection by counsel for Cross-Complainant each



1 of the documents specified in Schedule A annexed hereto.  
2 Such items are believed to be in Cross-Defendant's custody,  
3 control or possession, not privileged, and relevant to the  
4 subject matter of this action or reasonably calculated to  
5 lead to the discovery of admissible evidence in this action.

6 PLEASE TAKE FURTHER NOTICE that, pursuant to the  
7 express provisions of Code of Civil Procedure, Section 2031,  
8 Cross-Defendant shall serve a written response, subscribed  
9 under oath by an officer, director or managing agent of  
10 Cross-Defendant to this Request within twenty (20) days after  
11 service of this Request. Said sworn Response, pursuant to  
12 the requirements of Section 2031(b), "shall identify the  
13 documents, papers, books, accounts, letters, photographs,  
14 objects, and tangible things falling within the categories  
15 specified in the request which are in the possession, custody  
16 or control of the responding party."

EXHIBIT \_\_\_\_\_ PAGE 27

17 This Request calls for identification and produc-  
18 tion of, and defines "documents" to mean, without limitation,  
19 the following items, whether printed or recorded or  
20 reproduced by any other mechanical process, including audio  
21 and/or visual process, or written or produced by hand:  
22 agreements, communications, city, state and/or federal  
23 governmental proceedings and hearings, transcripts and  
24 reports, correspondence, telegrams, memoranda, summaries of  
25 records of telephone conversations or interviews, diaries,  
26 graphs, reports, notebooks, note charts, plans, summaries or  
27 records of meetings or conferences, summaries or reports of



1 counsel, consultants, photographs, tape recordings, cas-  
2 settes, motion picture or television films, brochures,  
3 pamphlets, advertisements, circulars, press releases,  
4 articles, or any publications, drafts, files, letters, any  
5 marginal comments appearing on any document, computer  
6 print-outs and all other writings, or printed materials.

7  
8 DATED: August 4, 1986

9 CONTOS & BUNCH

10  
11 By: 

JULIA DRAGOJEVIC  
Attorneys for Defendant  
and Cross-Complainant  
GERALD ARMSTRONG

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13 3:27:14  
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EXHIBIT 4

PAGE 28



SCHEDULE A

1  
2  
3 1. All documents from which the entries on the  
4 14-page "time track" were excerpted or on which the entries  
5 were based. Said "time track" was produced as part of the  
6 B-1 File during the Christofferson trial.

7 2. All documents contained in Cross-Complainant's  
8 "ethics" and "personnel" files.

9 3. All records and documents concerning the  
10 incarceration of Cross-Complainant in the US GO Intelligence  
11 Bureau in Fifield Manor in June, 1976.

12 4. All documents generated as a result of the  
13 interview of Cross-Complainant done by GO Intelligence  
14 official, Brian Roubinek, in July/August, 1976 in Clearwater,  
15 Florida.

16 5. All Compliance reports, progress reports or  
17 any documentation whatsoever regarding each of the "steps" of  
18 the "Gerry Armstrong Project" of February 17, 1982, attached  
19 hereto as Exhibit A.

20 6. Any and all documentation containing  
21 information culled from Cross-Complainant's pc (or preclear,  
22 or auditing, or processing) files. EXHIBIT US PAGE 29

23 7. All documentation upon which the report of  
24 September 30, 1982 re Dead Agenting Gerry Armstrong is based.

25 8. Any and all documentation, including  
26 correspondence and reports to and from the private  
27 investigators who surveilled Cross-Complainant and his wife  
28 beginning in May, 1982, and who assaulted Cross-Complainant,



1 ran into him, attempted to involve Jocelyn Armstrong and him  
2 in freeway accidents, and who followed and harassed them  
3 through September, 1982.

4 9. Any and all documentation concerning a visit  
5 and subsequent telephone calls to Cross-Complainant by Marty  
6 Rathbun from February through April, 1984. Said  
7 documentation includes, but is not limited to, an "eval"  
8 Mr. Rathbun stated had been done regarding Cross-Complainant,  
9 as well as all documents relating to the "eval."

10 10. The mission, project or program orders  
11 pursuant to which Terri Gamboa met with Cross-Complainant on  
12 March 8, 1984, and subsequently wrote her "debrief" of  
13 March 12, 1984 attached hereto as Exhibit B.

14 11. All orders, reports, correspondence and  
15 documents concerning surveillance and harassment of Cross-  
16 Complainant by agents of Cross-Defendant in London in June,  
17 1984.

18 12. All orders, reports, correspondence and  
19 documents relating to the operation in June, 1984 to use  
20 Cross-Complainant's folders to entrap him. This operation  
21 was acknowledged by the two agents of Cross-Defendant, Mike  
22 Rinder and "Joey," in the videotapes illegally taken of  
23 Cross-Complainant in November, 1984.

24 13. All orders, reports, correspondence, and  
25 documents relating to OSA INT Executive Directive 19, of  
26 September 20, 1984, a copy of which is attached hereto as  
27 Exhibit C.

28 14. All orders, reports and documents concerning



1 the photographing of Cross-Complainant by Cross-Defendant's  
2 members on November 8, 1984 in Los Angeles, including the  
3 original photographs taken.

4 15. All orders, reports, correspondence, materials  
5 and documents concerning the burglarizing of the trunk of  
6 Cross-Complainant's car on November 8, 1984, and the theft  
7 therefrom of a manuscript and artwork of approximately  
8 350 pages, and various documents relating to the within  
9 litigation. This request includes the stolen materials  
10 themselves.

11 16. All copies made by Cross-Defendant's agents,  
12 known to Cross-Complainant as "Joey" and "Rena," of Cross-  
13 Complainant's writings and drawings which "Rena" requested as  
14 a potential publisher, and which Cross-Complainant loaned to  
15 "Rena" on November 9, 1984. These consisted of approximately  
16 250 pages of personal creative works.

17 17. All records, reports, orders, correspondence,  
18 documents and audio and video recordings of a meeting  
19 (arranged by Cross-Defendant's agents posing as "reformers")  
20 between an attorney, Thomas Janeway, and Cross-Complainant in  
21 November, 1984 in Encino, California.

22 18. All records, reports, correspondence, orders,  
23 documents or materials relating to the obtaining of false  
24 authorizations directing and/or authorizing the videotaping  
25 and wiretapping of attorney Michael Flynn and Cross-  
26 Complainant in November and December, 1984. Three of these  
27 authorizations are attached hereto as Exhibit D.

EXHIBIT 18 PAGE 31

28 19. All records, reports, correspondence, orders,



1 audio and video recordings, documents or materials relating  
2 to an attempt by Cross-Defendant's agents to persuade Cross-  
3 Complainant to fly to Las Vegas, Nevada in the fall of 1984  
4 to meet with a proposed "backer" of Cross-Defendant's agents  
5 posing as "reformers."

6 20. All correspondence, reports, statements,  
7 documents or materials supplied to or received from the Los  
8 Angeles Police Department, or any officer thereof, from 1982  
9 through 1984 regarding various attempts to have criminal  
10 charges brought against Cross-Complainant in connection with  
11 Cross-Complainant's alleged theft of the Hubbard archives.  
12 This includes, but is not limited to, documentation generated  
13 through contacts with Officer S.J. Capuano in the  
14 N.E. Detective Division of the Los Angeles Police Department.

15 21. All orders, reports, projects, programs,  
16 briefings and debriefings, audio and video recordings, and  
17 all related documents and materials concerning what the  
18 Organization calls the "Armstrong Operation." This operation  
19 involved the use of Cross-Complainant's friend, Dan Sherman,  
20 to get close to Cross-Complainant, feed him false  
21 information, compromise him and frame him, with the goals of  
22 destroying his reputation, his ability to testify in  
23 Scientology litigation, his emotional and physical well-  
24 being, his economic base, his marriage and his life. This  
25 operation is referenced at page 2 of the February 17, 1982  
26 "Gerry Armstrong Project," Exhibit A, under "Step 15."

27 22. All daily reports, weekly reports, battle  
28 plans, battle plan reports, statistic reports, private



1 investigator reports on a daily basis from at least 1982 to  
2 the present, CSW's, mission orders, projects, programs,  
3 evals, targets, estimates, compliance reports, progress  
4 reports, orders, nudges, debugs, requests for funds, budgets  
5 (FP's), accounting reports, cross file sheets, excerption  
6 sheets, computer data and files, briefings, drillings,  
7 debriefings, audio and video recordings, wiretape recordings,  
8 photographs and any other documents relating to the forgery  
9 and attempted cashing of a \$2,000,000 check on the Bank of  
10 New England account of L. Ron Hubbard in 1982, and the  
11 operation to frame Michael Flynn and Cross-Complainant with  
12 the alleged crime.

13 23. All correspondence, orders, reports,  
14 statements, documents, photographs, or materials relating to  
15 the "Freedom" tabloid issue 61, published in August, 1984, a  
16 reduced copy of which is attached as Exhibit E.

17 24. All correspondence, orders, reports,  
18 statements, documents, photographs or materials relating to  
19 the article entitled "Ex-U.S. Attorney's Role in Check  
20 Forgery Surfaces in Boston Court" in the "Freedom" tabloid  
21 issue 62, published in October, 1984, a reduced copy of which  
22 is attached hereto as Exhibit F.

EXHIBIT U PAGE 33

23 25. All correspondence, orders, reports,  
24 statements, photographs, documents or materials relating to  
25 the "Freedom" tabloid published in April/May, 1985, a reduced  
26 copy of which is attached hereto as Exhibit G.

27 26. All correspondence, orders, reports,  
28 statements, photographs, documents or materials relating to



1 the "Freedom" tabloid published in May, 1985, a reduced copy  
2 of which is attached hereto as Exhibit H.

3 27. All correspondence, orders, reports,  
4 statements, documents or materials relating to the  
5 "advertisement" attached hereto as Exhibit I which appeared  
6 in "The Oregonian" newspaper of May 30, 1985, in Portland,  
7 Oregon, particularly with regard to the statement:

8  
9 "Another one of Christofferson's  
10 key witnesses, Gerry Armstrong, a  
11 government informant, was  
12 indisputably shown to have engaged  
13 in an operation to infiltrate the  
14 Church of Scientology. Armstrong's  
15 plot, based on evidence submitted in  
16 court, appears to have been  
17 conceived with the advice and  
18 consent of Flynn and members of the  
19 IRS Intelligence Branch. It  
20 indicated the planting of forged  
21 documents in the church which could  
22 then be "discovered" by government  
23 agents in planned raids on church  
24 premises. The forged documents  
25 would incriminate the church in  
26 nonexistent illegal activities and  
27 would serve as a basis for the  
28 indictment of current church

EXHIBIT 6 PAGE 34



1 management."

2  
3 28. All correspondence, orders, reports,  
4 statements, documents or materials relating to Cross-  
5 Defendant's radio show "Freedom Magazine" on station WTTP in  
6 Boston on June 11, 1985, a transcript of which is attached  
7 hereto as Exhibit J.

8 29. All correspondence, orders, reports,  
9 statements, documents, payments, receipts or cancelled checks  
10 sent to or received from L. Fletcher Prouty relating to  
11 Cross-Complainant.

12 30. All edited versions of the videotapes which  
13 had originally been made of Cross-Complainant in November,  
14 1984. Attached hereto as Exhibit K is a flyer distributed to  
15 Scientologists in April and May, 1985 directing them to a  
16 showing of an edited version of the tapes.

17 31. All correspondence, orders, reports,  
18 statements, documents or materials relating to the editing of  
19 the videotapes, including the editing which occurred prior to  
20 the Christofferson trial, as well as the audio sections  
21 edited out of the videotapes.

22 32. All correspondence, orders, reports,  
23 statements, documents or materials relating to the  
24 delivering/sending of edited versions of the videotapes to  
25 any members of the media.

EXHIBIT U PAGE 35

26 33. All correspondence, orders, reports,  
27 statements, documents or materials relating to Cross-  
28 Complainant sent to any media including newspapers,



1 television and radio stations.

2 34. All correspondence, orders, reports,  
3 statements, documents or materials, relating to the showing  
4 of the videotapes or edited versions thereof to staff or  
5 public Scientologists, including any briefings given,  
6 requests for "donations" or funds, any projects, programs or  
7 evals related to this operation and any financial records of  
8 said operation.

9 35. All correspondence, orders, reports,  
10 statements, documents or materials relating to the  
11 photographing of Cross-Complainant's residence in Boston,  
12 Massachusetts on October 7, 1985, including all photographs  
13 taken.

14 36. All correspondence, orders, reports,  
15 statements, documents or materials relating to the mugging  
16 and robbery of Cross-Complainant outside his residence in  
17 Boston on October 25, 1985.

18 37. All correspondence, reports, statements,  
19 documents or materials regarding an incident which occurred  
20 on October 13, 1985, when a Scientologist reported to the FBI  
21 that Cross-Complainant was posing as an FBI agent near the  
22 Massachusetts Bay Transportation Authority Green Line  
23 Auditorium Stop in Boston.

24 38. All correspondence, reports, statements,  
25 documents or materials concerning the operation to bring  
26 false criminal charges against Cross-Complainant via the FBI  
27 as described in Request No. 37 above.

28 39. All correspondence, orders, reports, EXHIBIT U PAGE 56



1 statements, documents or materials relating to the "Freedom"  
2 tabloid published in February, 1986, a reduced copy of which  
3 is attached hereto as Exhibit L.

4 40. All correspondence, orders, reports,  
5 statements, documents or materials relating to the operation  
6 to have several hundred copies of the "Freedom" tabloid  
7 (Exhibit L) planted in the building where Cross-Complainant  
8 works on February 11, 1986, during his deposition in the case  
9 of Burden v. Church of Scientology.

10 41. All correspondence, orders, mission orders,  
11 reports, telexes, statements, documents or materials relating  
12 to an operation or mission in February and March, 1986  
13 involving organization agent, Meryl Dubay, the purpose of  
14 which was to "Black PR" Cross-Complainant among plaintiffs  
15 and witnesses in various cases against the Organization.

16 42. All correspondence, orders, reports,  
17 statements, documents or materials relating to the  
18 photographing of Cross-Complainant's residence on March 21,  
19 1986.

20 43. All correspondence, orders, reports,  
21 statements, documents or materials regarding Cross-  
22 Complainant delivered to the Internal Revenue Service in 1985  
23 and 1986.

24  
25 3:27:15  
26



1 JOHN G. PETERSON  
2 PETERSON AND BRYNAN  
3 8530 Wilshire Boulevard, Suite 407  
4 Beverly Hills, California 90211  
5 (213) 659-9965

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

CHURCH OF SCIENTOLOGY OF CALIFORNIA, a California Corporation,	)	Case No. C 420 153
	)	
Plaintiff,	)	CROSS-DEFENDANT CHURCH OF SCIENTOLOGY OF CALIFORNIA'S RESPONSE TO CROSS-COMPLAINANT GERALD ARMSTRONG'S REQUEST FOR PRODUCTION OF DOCUMENTS
v.	)	
	)	
GERALD ARMSTRONG, et al.,	)	
	)	
Defendants.	)	
	)	
	)	
AND RELATED CROSS-ACTION.	)	

Cross-Defendant Church of Scientology of California responds to Cross-Complainant's Request for Production of Documents as follows:

1. Without waiving any objections, Cross-Defendant responds that, to the extent said documents pertaining to Cross-Complainant exist, they have already been produced.

2. Cross-Defendant will produce the documents in its possession, custody or control.

3. Cross-Defendant has no such documents in its possession, custody or control.

4. Without waiving any objections, Cross-Defendant

EXHIBIT 10 PAGE 38



1 responds that it has no such documents in its possession,  
2 custody or control.

3 5. Without waiving any objections, Cross-Defendant  
4 responds that to the extent that any documents exist within  
5 this category, said documents have already been produced.

6 6. Cross-Defendant has no such documents in its  
7 possession, custody or control.

8 7. Without waiving any objections, Cross-Defendant  
9 responds that to the extent that any documents exist within  
10 this category, said documents have already been produced.

11 8. Cross-Defendant has no documents which show any  
12 alleged assault of Cross-Complainant, running into him, or any  
13 attempts to involve Cross-Complainant and Joyce Armstrong in  
14 freeway accidents or any type of harassment. Correspondence  
15 and reports to and from private investigators are privileged  
16 as attorney work product.

17 9. Cross-Defendant has no such documents in its  
18 possession, custody or control.

19 10. Cross-Defendant has no such documents in its  
20 possession, custody or control.

21 11. Cross-Defendant denies that Cross-Complainant was  
22 harassed in London in June 1984. Cross-Defendant is aware that  
23 Cross-Complainant was legitimately served with a valid order  
24 by the California Court of Appeal, and will produce documents  
25 in our possession, custody or control.

26 12. Cross-Defendant has no such documents in its  
27 possession, custody or control.

28 13. Without waiving any objections, no such orders,



1 reports or correspondence exist regarding Cross-Complainant.  
2 As to documents, any that fall within this Request for  
3 Production which pertain to Cross-Complainant either have  
4 already been produced or are equally available to  
5 Cross-Complainant.

6 14. Cross-Defendant is searching its files and will  
7 produce any of the requested documents in its possession,  
8 custody or control.

9 15. Cross-Defendant has no knowledge of any burglary of  
10 Cross-Complainant's trunk. Hence, Cross-Defendant has no such  
11 documents in its possession, custody or control.

12 16. Cross-Defendant has no such documents in its  
13 possession, custody or control.

14 17. Cross-Defendant has no such documents in its  
15 possession, custody or control.

16 18. Without waiving any objections, Cross-Defendant  
17 denies that it has ever obtained any "false authorizations"  
18 with respect to any alleged wiretapping of either Cross-  
19 Complainant or Michael Flynn. No documents exist.

20 19. Cross-Defendant has no such documents in its  
21 possession, custody or control.

22 20. Cross-Defendant has no such documents in its  
23 possession, custody or control.

24 21. "Armstrong Operation" is a characterization invented  
25 by Cross-Complainant as no such "operation" has ever existed.  
26 Cross-Defendant has no such documents in its possession,  
27 custody or control.



1 possession, custody or control. There is no such thing as an  
2 operation to frame Flynn and Armstrong regarding the  
3 \$2,000,000 check. Object to production of documents regarding  
4 check as not leading to discovery of admissible evidence  
5 relevant to this case.

6 23. Cross-Defendant objects on the grounds that this  
7 Request is vague, ambiguous, overbroad, burdensome and  
8 harassing. The documents requested herein are irrelevant to  
9 any cause of action in the cross-complaint and are not  
10 calculated to lead to the discovery of any evidence admissible  
11 in this action.

12 24. Cross-Defendant incorporates by reference as if fully  
13 set forth herein its response to Request for Production No. 23.

14 25. This Request for Production seeks documents which,  
15 in part, are irrelevant to any cause of action in the  
16 cross-complaint and are not calculated to lead to the discovery  
17 of any evidence admissible in this action. Any documents  
18 which are calculated to lead to the discovery of admissible  
19 evidence and which do exist have already been produced to  
20 Cross-Complainant.

21 26. See response to Request #25.

22 27. Any such documents which exist have already been  
23 produced to Cross-Complainant.

24 28. Any such documents which exist have already been  
25 produced to Cross-Complainant.

26 29. Cross-Defendant has no such correspondence, orders,  
27 reports, statements, payments, reports or cancelled checks in  
its possession, custody or control. Cross-Defendant possesses



1 a declaration of L. Fletcher Prouty which will be produced.

2 30. Cross-Defendant will produce the requested videotape  
3 in its possession, custody or control.

4 31. Cross-Defendant is informed and believes that  
5 Cross-Complainant already has complete copies of the  
6 videotapes requested herein. No other documents exist.  
7 Nothing, either audio or visual, was edited from said  
8 videotapes. There are no correspondence, orders, reports,  
9 statements, documents or materials relating to an editing  
10 prior to Christofferson.

11 32. Cross-Defendant has no such documents in its  
12 possession, custody or control.

13 33. Cross-Defendant cannot locate any specific items  
14 that have been sent to the media, however, a continued search  
15 is being made to ascertain if items sent to media on other  
16 subjects contained information regarding Cross-Complainant.  
17 Cross-Defendant will supplement this response if any are  
18 located.

19 34. Cross-Defendant has no such documents in its  
20 possession, custody or control.

21 35. Cross-Defendant has no such documents in its  
22 possession, custody or control.

23 36. Cross-Defendant has no such documents in its  
24 possession, custody or control.

25 37. Cross-Defendant will produce all documents and  
26 materials in our possession except memo to files dated  
27 10-21-85, 11-19-85 and 11-20-85, from attorney Roger Geller  
28 which is privileged as attorney work product.



1 Cross-Defendant has no such documents in its possession,  
2 custody or control.

3 39. This Request for Production seeks documents which  
4 are irrelevant to any cause of action in the cross-complaint  
5 and is not calculated to lead to the discovery of any evidence  
6 admissible in this action.

7 40. Cross-Defendant has no such documents in its  
8 possession, custody or control.

9 41. Without waiving any objections, Cross-Defendant  
10 denies that any "operation or mission" to "'Black PR'  
11 Cross-Complainant" ever existed. Cross-Defendant has no such  
12 documents in its possession, custody or control.

13 42. Cross-Defendant has no such documents in its  
14 possession, custody or control.

15 43. Cross-Defendant has no such documents in its  
16 possession, custody or control.

17 DATED: September 2, 1986

PETERSON & BRYNAN

18  
19 BY:

  
JOHN G. PETERSON



# VERIFICATION

STATE OF CALIFORNIA, COUNTY OF CROSS-DEFENDANT CHURCH OF SCIENTOLOGY OF CALIFORNIA'S RESPONSE TO CROSS-COMPLAINANT GERALD ARMSTRONG'S REQUEST FOR PRODUCTION and know its contents. CHECK APPLICABLE PARAGRAPH OF DOCUMENTS

- ☐ I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.
- ☒ I am ☐ an Officer ☐ a partner ☐ a DIRECTOR of DEFENDANT CHURCH OF SCIENTOLOGY OF CALIFORNIA

a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. ☐ I am informed and believe and on that ground allege that the matters stated in the foregoing document are true. ☒ The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

- ☐ I am one of the attorneys for a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on September 2, 1986, at Los Angeles California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Lynn Farny  
Type or Print Name

## ACKNOWLEDGMENT OF RECEIPT OF DOCUMENT (other than summons and complaint)

Received copy of document described as \_\_\_\_\_

on \_\_\_\_\_ 19\_\_\_\_

Type or Print Name

Signature

## PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF Los Angeles, State of California.

I am employed in the county of Los Angeles, State of California. Less over the age of 18 and not a party to the within action; my business address is 2530 Wilshire Blvd. Suite 407, Beverly Hills, California 90211

On September 2, 1986, I served the foregoing document described as CROSS-DEFENDANT CHURCH OF SCIENTOLOGY OF CALIFORNIA'S RESPONSE TO CROSS-COMPLAINANT GERALD ARMSTRONG'S REQUEST FOR PRODUCTION OF DOCUMENTS

on ALL PARTIES

in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Julia Dragojevic  
Contos & Bunch  
5855 Topanga Canyon Blvd.  
Suite 440  
Woodland Hills, California 91367

EXHIBIT 18 PAGE 144

- ☒ (BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at Los Angeles, California.

Executed on September 2, 1986, at Los Angeles California.

- ☐ (BY PERSONAL SERVICE) I caused such envelope to be delivered by hand to the office of the addressee.

Executed on \_\_\_\_\_ 19\_\_\_\_ at \_\_\_\_\_ California.

- ☒ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

- ☐ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was



78

(166)

PAC Mgmt Chief US  
cc: AG GLA

cc: PES USGO  
cc: DG I US  
cc: Org P&E Info US

DAILY REPORT

AG I GLA

22 Feb 82

Dear Roberta,

RE: GERRY ARMSTRONG

Today we telexed SU via DG I US to get Gerry's birthday and social security number from his payroll records. That will enable us to check other areas in the wog world to see if he can be located.

We also verified that his wife's parents were last known to be living in Phoenix. That means that with his parents in Vancouver and hers in Phoenix, that will make it harder to verify our theory that they would be staying with one of their parents' houses.

Also today, Debbie liased with DG I US to see how we can check with OVG to see if he knows anything about Gerry's whereabouts.

It has become obvious to us that there is a lot of omitted data on Gerry - that even though SU and Flag have sent us all their files on him, there still seems to be a lot missing. So tomorrow we will go through all his files to look for indicators as to where more files might be, and also to see who might be able to give us any information about him or any misdeeds he may have committed while on staff.

That's all. This is OK.

ML,

Brad

EXHIBIT 10 PAGE 15

000424

172



(68)

76

cc: PES US  
cc: DG I US  
cc: Org P&E Info US

PAC Mgmt Chief US  
cc: AG GLA

DAILY REPORT

AG I GLA

24 Feb 82

Dear Roberta,

RE: GERRY ARMSTRONG

The only thing to report is that nothing much occurred on this today. I needed to contact Peeter A. today to see what places he had already checked for the Armstrongs' folders so we wouldn't be covering the same ground, but I found out that Peeter was gone all afternoon to the INS.

The only other thing we could do at this point requires our getting from Flag - the data we requested by telex yesterday.

That's it for now.

ML,

Brad

EXHIBIT \_\_\_\_\_ PAGE 11 C

173

000427



PAC Mgmt Chief US  
cc: AG GLA

(171)

cc: PES US  
cc: DGI US  
cc: Org P&E Info US

74

CONFIDENTIAL

Br 10B Dir for  
AGI GLA

25 Feb. 1982

DAILY REPORT

Re: Gerry Armstrong

Dear Roberta,

I have some recent data as to where GA may be. I sent a compliance report yesterday listing the possibilities. The data I got today fills in some of the gaps. One idea was that GA went to Canada to stay with his mother as he called in Dec. from a phone in Vancouver. According to his good friend at SMI, Marilyn Brewer ext.#120, the Armstrong's were in Canada for Xmas as she spoke to them during that time. In Jan. they were back in LA. and when they called Marilyn they mentioned that they planned to settle in LA. They said they were living about an hour from the complex. Marilyn has been on mission recently and hasn't heard from the Armstrongs since the beginning of Jan. She suggested asking Holly Carlson, the C/O of FLB who is Joyce Armstrong's sister as she might know where they are.

I also am trying to reach Karen Campbell the o/o at SMI ext. 722 as I heard today that she said Joyce told her that she would soon be going to Arizona. Joyce's parents live in Tempe Arizona only a block from the Mesa Mission. Joyce once gave her parents phone number to the Mesa Mission as she wanted them to try and get her parents back in Scientology (her parents are blown Scientologists). Tempe is near Phoenix which is where Scott Brown, Joyce's brother has his squirrel group and with whom GA was going to write a book. I also spoke to the DG SMI as he knew the ARMSTRONGS. In early Jan., Joyce Armstrong set up a dinner with Marilyn and Ed Brewer and the DG SMI. They all went as they didn't know the Armstrongs were blown. They heard about it later. The DG hasn't heard from them since and doesn't know where they are. So, the next step is to pull the strings that turned up today. Verify if they are in Arizona, find out how recently Joyce told Karen Campbell she was going there; and also to contact Joyce's sister, Holly to see if she knows where they are.

Love,

Debbie

EXHIBIT. 10 PAGE 47

174

000111

PAC Mgmt Chief US  
cc: AG GLA

cc: PES US  
cc: DGI US  
cc: Org P&E Info US

73

Br 10B Dir for  
AGI GLA

CONFIDENTIAL

1982

DAILY REPORT

Re: Gerry Armstrong

Dear Roberta,

Our next action to locate GA is to get the financing to send some one to Phoenix and to Vancouver to check if GA is there. Those two places are the two possibilities. Brad is working on arranging the financing for this.

Love,

Debbie

EXHIBIT 18 PAGE 48

000443

175



70

cc: PL US  
cc: DGI US  
cc: Org P&E Info US

(174)

PAC Mgmt CHIEF US  
cc: AG GLA

CONFIDENTIAL

Br 10B Dir for  
AGI GLA

March 4, 1982

DAILY REPORT

Re: Gerry Armstrong

Dear Roberta,

We are still waiting for the money to send a person to Phoenix. And also for the back GA folders from SU so we can get his birthdate for a check with the DMV for a current address. We need these in order to pursue any of our leads about locating him.

Love, Debbie

*Gerald David Armstrong*  
*18/10/40*  
*Canadian*

000444

176

EXHIBIT 12 PAGE 49

177

cc: PES US  
cc: DGI US  
cc: Org P&E Info US

68

PAC Mgmt Chief US  
cc: AG GLA

CONFIDENTIAL

Br 10B Dir for  
AGI GLA

March 5, 1982

DAILY REPORT

Re: *Henry K. K. K.*

Dear Roberta,

We got GA's birthdate from a FLAG Crew List that was made for INS. It listed the staff's names and birthdates so we got his birthdate from there. This speeded up the DMV cycle as we had previously been waiting for his back PC files from SU which have not arrived yet. But with GA's birthdate I was able to send in to the DMV today to see what PT address they have for GA. So that is progress. We are still planning to send someone to Phoenix and Vancouver, when the money comes through.

Love, Debbie

000445

EXHIBIT 68 PAGE 50

177



67  
cc: PES US  
cc: DGI US  
cc: Org P&E Info US

176  
PAC Mgmt Chief US  
cc: AG GLA

CONFIDENTIAL

BR 10B Dir for  
AGI GLA

March 8, 1982

DAILY REPORT

Re: Gerry Armstrong

Dear Roberta,

We heard that GA was very recently seen at OVG's so that is currently the first place we are going to look. This week we will be doing surveillance to determine if he is staying there. Today I compiled a very complete physical description of him so we can proceed with the surveillance and whomever we send will be able to recognize him.

Love, Debbie

EXHIBIT 10 PAGE 51

178  
000447

PAC Mgmt Chief US  
cc: AG GLA

(171)

65  
cc: PES US  
cc: DGI US  
cc: Org P&E Info US

CONFIDENTIAL

Br 10B Dir for  
AGI GLA

March 10, 1982

DAILY REPORT

Re: Gerry Armstrong

Dear Roberta,

This is the report for March 9th. Yesterday was very busy with no minutes to spare so this daily report is being done this morning. There is progress on this cycle however. Yesterday Brad briefed the person who is to do the surveillance and today he is actually doing it. So we should soon know if GA is really at OVG's. I'll report later today what has turned up so far on this.

Love, Debbie



cc: PES  
cc: DGI US  
cc: Org P&E Info US

64

(179)

PAC MGMT CHIEF  
cc: AG GLA

CONFIDENTIAL

BR10B Dir for  
AGI GLA

March 10, 1982

DAILY REPORT

Re: Gerry Armstrong

Dear Roberta,

We have a surveillance going today on OVG's place to see if GA is there. We have not heard yet as of this minute. We could get a call at any time with some news and will let you know right away if something is learned.

Love, Debbie

EXHIBIT 18 PAGE 53

000449

180

180  
PAC MGMT CHIEF  
cc: AG GLA

63  
cc: PE US  
cc: DGI US  
cc: Org P&E Info US

CONFIDENTIAL

BR 10B Dir for  
AGI GLA

March 11, 1982

DAILY REPORT

Re: Gerry Armstrong

Dear Roberta,

We have a stakeout going on at OVG's to determine if GA is there. So far he hasn't been seen but we are continuing the stakeout. I will let you know as soon as he is seen, if he is.

Love, Debbie

EXHIBIT

u PAGE 54

181  
000450



181

cc: PES US  
cc: DGI US  
cc: Org P&E Info US

62

PAC MGMT CHIEF US  
cc: AG GLA

CONFIDENTIAL

BR 10B Dir for  
AGI GLA

March 12, 1982

DAILY REPORT

Re: Gerry Armstrong

Dear Roberta,

The stakeout continued today but still nobody is at the apartment and no cars in the appropriate carport. We will continue. GA may show up soon.

Love, Debbie

cc: PES 3  
cc: DGI 03  
cc: Org P&E Info US

6

182

PAC MGMT CHIEF  
cc: AG GLA

CONFIDENTIAL

BR 10B Dir for  
AGI GLA

March 15, 1982

DAILY REPORT Re: *Gerry Armstrong*

Dear Roberta,

As I have been reporting, there hasn't been anyone home at all at OVG's house (apt.) so it appears they are temporarily out of town. We are going to pick the stakeout back up on Wed. or so, it will be better to use our resources when it is likely to pay off than to continue now when no one at all is at OVGs. By Wed or so maybe they will be back, so we will resume the stakeout in a couple of days.

Love, Debbie

EXHIBIT 18 PAGE 510

000452

183



cc: PES US  
cc: DGI US  
cc: Org P&E Info US

59

PAC MGMT CHIEF US  
cc: AG GLA

CONFIDENTIAL

(183)

BR 10B DIR GLA  
for AGI GLA

DAILY REPORT

March 16, 1982

Re Gerry Armstrong

Dear Roberta,

The data is the same, that we are going to resume the stakeout in the next day or so. We hope someone will be back at OVG's by then. As you know not even OVG has been there in the past week. The apt is unoccupied.

Love, Debbie

P.S. I just got word we got a lead on where GA may be. A car called Bud saying he had an address for GA. It is just a lead - we don't know that this will be the current address or not but it could be.

60  
cc: PES US  
cc: DGI US  
cc: Org P&E Info US

184  
PAC MGMT CHIEF US  
cc: AG GLA

CONFIDENTIAL

BR 10B DIR GLA FOR  
AGI GLA

March 17, 1982

DAILY REPORT

Re: Gerry Armstrong

Dear Roberta,

There is no new data on this. We are going to start the  
stakeout again soon.

Love, Debbie



cc: PES US  
cc: DGI US  
cc: Org P&E Info US

58

PAC MGMT CHIEF  
cc: AG GLA

CONFIDENTIAL

BR 10B DIR GLA  
for AGI GLA

March 18, 1982

DAILY REPORT

RE:Gerry Armstrong and Alan Walter

Dear Roberta,

There is not anything new about these guys today. We are still following up the lead on GA that a GAS of ours may know where he is. Nothing new on ACW.

Love, Debbie

U.S. GUARDIAN'S OFFICE PROGRAMME ORDER

FD INT  
SPEC PJT I/C  
A/C  
CAI  
CAL  
CAPR  
G KK  
DG I KK  
DG L KK  
DG PR KK  
MAN DIR KK  
DG US  
PES US  
AVI US  
DG SR US  
DG SR INT OPS US  
AVI US  
DG I US  
DG PR US  
DG L US  
MAC I/C  
MAC 01,2,3,4  
ACTION AIDE  
CONVENTION I/C  
D/PES US  
MAN DIR  
NEWS RI OPS OFF  
UTIL/PROS DIP RI US

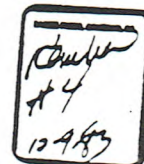
13 September 81

The "Juggernaut" Eval

CONFIDENTIAL

DG I US  
for  
DG US  
Authorized and Verified  
by AVI US  
for the  
Board of Directors  
of the  
Church of Scientology  
of California

Exhibit "A"





THE "JUGGERNAUT" EVAL

POLICY: HQ PL 21 Nov 72 HOW TO HANDLE BLACK PROPAGANDA  
ONLY COUNTER-ATTACK HANDLES...

So it takes time and work to reverse an attack  
because normal channels have to be reopened and  
reversed.

It is done by attacks.

Put attacks which are not true earn suits. So one  
must attack only on proven ground.

This requires a lot of hard search.

However, a Black Propagandist often has many other  
enemies. These have sometimes gathered data.

The principles are that when the sub-terminals are  
located, they are investigated and counter-attacked.  
Then further investigation reveals closer terminals  
to the propagandist and these are attacked. In  
short, one investigates and attacks.

SENIOR ADVICE.

Any personnel involved in the Class Action suit become  
parties to the 750 million suit as well as being  
sued on this other action.

By this is meant you put a counter suit to the  
Class Action suit in the same court.

CRG 630 13 Jan 80

STRATEGIC PLANNING: The correct definition is  
STRATEGIC PLANNING IS SOME KIND OF AN OVERALL  
SCENE WHICH SEEMS TO CHANNEL OR ALIGN OR  
COORDINATE OTHER PLANS. THAT'S ALMOST THE  
HEADING OF COMMAND INTENTION.

TACTICAL PLANNING: The correct definition is  
WHAT YOU ARE DOING TO IMPLEMENT THIS PORTION  
OF YOUR STRATEGIC PLANNING

GOODPICH EVAL 6 June 73

Policy: Evaluate situations before planning  
actions and handling.

Investigate and thoroughly prepare all legal  
actions before acting.

Thoroughly prepare legal actions; wins are pro-  
portional to preparations...

IDEAL SCENE: GO US calm, confident and effective in  
all Rus.

GO 784 INTELLIGENCE, ITS ROLE

An Intelligence Unit that imperfectly understands  
its function will omit to do a proper ESTIMATE  
but will feed raw or fragmentary data to planning,  
command and policy makers and will cause them to  
be alarmed or overly confident and in any event  
will cause them to make mistakes or even fail...

One can then collect, in numerous ways, many peculiar to the craft, the exact data needed to form a CONCLUSION that there is or is not a situation. And either way, one can then make a PREDICTION, backed up with the PAW DATA and its summary into a SITUATION or a NO-SITUATION which will be of great positive value to planners, command and policy-makers.

INTELLIGENCE FURNISHES MUCH OF THE DATA ON WHICH EVALUATION IS BASED. AND INTELLIGENCE SHOULD FURNISH THE SITUATIONS, THE PREDICTIONS, WHICH TELL WHETHER AN EVALUATION SHOULD OR SHOULD NOT BE DONE!

#### GO 032872 INTELL PRINCIPLES

But there is a shorter route: If you hold the line aggressively to win with Legal and PP AND GET INTELLIGENCE FUNCTIONING EFFECTIVELY AT ONCE you can greatly shorten the time it takes to get back on top.

Each of these three zones have their own tech and their OWN PRODUCTS. They are different Products.

Thus if you short circuit Intelligence just as a support of PP or Legal, the battles will be very dicey indeed.

#### NEWMENESS

Intelligence exposed is no longer under cover or clandestine.

PP most frequently exposes Intelligence. Legal has often done so.

Thus Intelligence always requires newness of approach. It is standard in its lines and actions. But must be bright and new in its ideas to carry something off.

#### BACK-UP

PP is a back-up, not an exposure of Intelligence.

A typical Intelligence action is to turn over some exact data to PP to "get brown" that will then push forward an Intelligence objective. Or to squash an enemy release.

#### INFORMATION

Whoever regards Intelligence solely as "Information Gathering" has not moved with the times.

The Japanese disturbed all this with the Intelligence creation of "incidents" then exploited by PP.

The Russians use this (from the Japs) continually.

The "incident" brought about behind the scenes is then mercilessly exploited by PP.

To reverse this PP then Intelligence, is out of sequence.

With knowledge, incident and technique, Intelligence properly causes first in any sequence of events.



SITUATION:

After months of successful intelligence prediction and actions surrounding Flynn, we now have no lines in on him and he is able to launch successful and unpredicted actions on us.

STATS:

Months of RI actions to provide prediction and a "turned" (from Flynn's camp) disaffected (Silvana) back-fired and stalled by uncoordinated releases of info to the press in LV (which she then read) and unevaluated RI/Legal missions "to get the full data" from her which scared her atty off from coming forth with the data.

2 weeks of good entente on Flynn and the CK conspirators based on the proper exposure of their violations of the Sunshine Law.

Now, financial threat to the C of S looming in CK with Flynn moving forward in this arena with an anti - C of S tax plan which is flanked by local media conspirators.

Four weeks of little prediction and lessened o/s activity with RI staff in RSN and US tied up with Legal flanking actions.

An additional vector of attack on Flynn (Catherine Taraba) being wasted by untimely notification of her that the C of S was interested in her complaint (she hates the C of S more than she hates Flynn) and this is now slowed.

Comprehensive strategy based on senior advises stalled and incomplete while the opposition is reversing the vector.

DATA:

The turning of Silvana Garritano to want to get out of the LV's class action suit was the result of a good RI op. When she started to surface this was reported all the way up the lines with much enthusiasm. A plan to get her before the Judge in the LV's suit and get the data on record was formulated and a mission fired to do this. It immediately hinged on the fact that Flynn was still the atty of record and she would have to get a new atty - this obvious fact was not thought through before the mission fired. What resulted was that Silvana's new atty AND OURS promptly departed from the scene leaving no resources there to actually handle getting her on record.

CORRECT TARGET

RI RSN  
NEWS RI OPS

OMITTED EVALUATION

PFS  
COMAND

OMITTED ESTIMATE

PG I US  
NEWS RI OPS

ALTERED SEQUENCE

PFS  
COM'AND

Another product that came up on the lines from RI Rsn was that Catherine Taraha, the mother of Ed Taraha had herself filed a bar complaint against Flynn with the Mass Board of Bar Overseers and the Supreme Judicial Court in Massachusetts. When this was found on RI lines in Rsn, actions had been started to get a Bar complaint filed on Flynn and this was seen as an additional resource. A2R missionaries had our atty and PP Ben call Taraha's atty in an attempt to get the data, but the net result of that was that Taraha was uncooperative and actually turned out to hate the Church more than she hated Flynn and to date hasn't moved as a resource in this battle. The taking of her off of RI lines, in essence, wasted her as a resource.

OMITTED ESTIMATE

A2R USNPS  
RI RSN

ALTERED SEQUENCE

A2R USNPS

ADDED TIME

A2R USNPS

Reviewing these wasted products shows that in the case of Silvana, the original "glowing report" (faulty intelligence) on her had caused a flurry high on the org board with the OC and the importance of acting on that report to get her data overtly on the record was greatly intensified to the point that it seemed the only strategy at that time. When the Everflash mission went and found the scene completely different than was originally put forward in the isolated intell report (ie. Silvana had Flynn as her atty and wasn't that willing to go overt with her data). what the Everflash "on I/C did was mock up a follow-up strategy with atty Harvey Silverplate based on the data on the scene which included filing a Bar complaint, getting data to the Mass AG, both of which, by necessity, closed down the predictive "d" line in Rsn as a necessary element to get some product out of the scene. Similarly, in the case of C. Taraha there was an effort to get her data as it was proof of the fact that FA'CO and Flynn were one in the same and that there was overt evidence of this and a complaint from a 3rd Party. Factually, reviewing this, the release of the FA'CO data in the Bar complaint was slightly pre-mature as we still hadn't gotten evidence of his solicitation of this plan and this investigation is still ongoing though now harder to prove as Flynn is tinned off to the fact that we're on to it, making documentation much more difficult.



OMITTED ESTIMATE

MG I US  
NFIS RI OPS

OMITTED EVALUATION

PES  
COMMAND

WRONG SOURCE

FURFLASH MSG I/C  
ATTY SILVERGLATE

ALTERED SEQUENCE

AZR "SNRS

Compare the above to the successful action in CK at this time where we did the expose of the Flynn payment of \$4950 from the CK City Commission. In this action, RI got the data and then "PP found it out" noisily by looking at the books of the CK City Commission. This was run successfully in the press for 2 weeks without exposing intell.

EVENTS IN CORRECT SEQUENCE

MG I US  
PES US  
PP CK

CORRECT RELATIVE IMPORTANCE

MG I US  
PES US  
PP CK

Looking back over the successful actions that were occurring prior to the flubs in Boston we find that AG I Ban is starting to look at who is behind Flynn (based on a special bank) and uncovers the fascinating similarity is found in the body of the original LVS complaint by Flynn and an article written by AR' psych Dr. John Clark. As a result of this further investigation and obs were done on Clark. What is found were clandestine meetings of AR'ers and connections with the Pockefellars, etc. This shows that standard intell actions were proceeding (in early August 81).

CORRECT TARGET

RI RSN  
NFIS RI OPS  
MG I US

EVENTS IN CORRECT SEQUENCE

RI RSN  
NFIS RI OPS  
MG I US

CORRECT RELATIVE IMPORTANCE

RI RSN  
NEI'S RI OPS  
NG I US

Then what occurs is shortly thereafter, we find RI Rsn and RI US in a complete flurry, ferrying docs backwards and forwards between LA and Rsn in an effort to satisfy a demand from Legal for documentation that could be used against Flynn. This demand came from the Legal Flynn Handling Program, issued 24 July 81 which was to get the documents analyzed for potential use in IP 2, specifically looking for the governmental connections. Note: This program also had targetting to get FA'CO exposed; however, the means for doing this were going to be through specific discovery actions in the LVS Class Action suit - the program targets for this discovery were never done.

ALTERED IMPORTANCE

RI RSN  
NEI'S RI OPS  
NG I US

CORRECT RELATIVE IMPORTANCE

LEGAL US

OMITTED COMPLIANCE

LEGAL US

Looking into this non-compliance and what was occurring with this Flynn handling program we find that it was revised on 20 August 81. This revision basically revolved around the fact that the Bar complaint filed on Flynn would be the entire resolution of him and that with this he would be off the cases around the country. This program, however, failed to mention that there would be some time prior to this involved even after the complaint was filed (20 days in which Flynn had to answer the complaint). This program basically dropped everything to the point of the irreducible minimum of actions (from the senior strategy on damages) and had the Bar complaint handling everything. Additionally within the program there were handling targets on the Reader's Digest, etc. The programme was done by NG L US and PES US.

OMITTED STRATEGY

NG L US  
PES US

ALTERED IMPORTANCE

NG L US  
PES US



ADDED INAPPLICABLE DATA

PFS US  
MG L US

Looking into how the strategy had dropped to the irreducible minimum revolving around the Bar complaint what comes to light is the actions of the Everflash Mission. What occurred on this mission was that the original WOs didn't match the existing scene and instead of recalling the mission, the mission ops kept on pushing for the same product on Silvana. What the Everflash Mission I/C did as a solution to this was to drop his missionary hat and put on his CAL hat in the field and starts mocking up and implementing new strategy "to get Flynn". This is based solely on his inability to get his original WOs done. To do this he requests a "strategy" solution from the atty which includes the Bar complaint and the Mass AG filing, etc. Once this decision was made and OKed by Everflash Mission I/C, the atty who had originated this plan went on leave for 2 weeks and turned over his hat to his partner (Gartner) who was ill-briefed by Silverplate. Gartner went ahead with the preparations on the Bar complaint, but procrastinated on its filing as she wanted Silverplate's review of it and based on the fact that her intelligence perception was that Judge Garrity was going to come down with a good 1st Amendment ruling shortly in the LVS suit. What occurred at US level was that once the data was on hand that Flynn would be completely handled with the Bar complaint (faulty with added time), all executive attention went on the filing of the Bar complaint and the possibility that Garrity would rule (faulty). This has introverted RI, PP, Legal and Command into an area they cannot directly effect and forces them into a time frame dictated by the Bar and the court and has taken the attention off the rest of the strategy.

WRONG TARGET

EVERFLASH MSN OPS (PFS)

OMITTED EVALUATION

EVERFLASH MSN OPS (PFS)

ALTERED SEQUENCE

EVERFLASH MSN OPS (PFS)  
EVERFLASH MSN I/C (CAL)

WRONG SOURCE

EVERFLASH MSN I/C (CAL)  
ATTY SILVERPLATE

OMITTED ATTY

EVERFLASH MSN I/C (CAL)  
ATTY SILVERPLATE

FALSEHOOD

ATTY GERTNER

XPONG SOURCE

ATTY GERTNER

INCORRECTLY INCLUDED ABERNETHY  
STABLE DATA (BAR COMPLAINT)

COMMAND  
RL US  
PD US  
LEGAL US  
EVERELSH USN I/C  
A2R USN I/C  
ATTY GERTNER  
ATTY SILVERGLATE

MAJOR OUT-POINTS:

Omissions followed by incorrectly included.

ADMIN WHY:

Previous on-source strat planning has been degraded  
down to the irreducible minimum "one shot solution."  
(Bar complaint on Flynn) which is itself based on  
faulty data that it would handle totally.

ETHICS WHY:

Negligence of duty.

WHO:

PES US

IDEAL SCENE: US GO calm, confident and effective in all  
Bureaux handling the damages scene and operating  
off of on-source strategy flanked by superb  
intelligence which enables the damages scene  
to be turned around.

HANDLING:

Resources: Brilliant senior advices that form the hub of  
OUR STRATEGY.

The tech of correction.

Mission tech.

An Action Bureau

Civil Rights atty and strategist Danny Sheehan,  
after clean up of our past mis-handlings of him.

The MAC Units.

A Management Bureau

BI Bsn.



Artie Varen - a trained PP missionary.

RI US CIC

Need: Considerable.

Capabilities: Excellent in terms of handling Flynn and damages conspirators based on good strategy, resources and plenty of ammo.

Bright Ideas: Fully implement and action all aspects of our extant strategy and include in this a "Juggernaut" civil rights suit filed in the same court as the LVS suit which becomes the major vehicle to get complete restraint on Flynn.

Use Intell to find MIO is behind Flynn.

Use GO BLACK PP to handle Flynn as a Black Propagandist - survey to find out what he is (eg. extortionist) and never again refer to him as an atty only as a \_\_\_\_\_ - reclassify him.

Plan:

1. Fire a PP mission, fully briefed on all RI, Legal data to follow up on the criminal complaints we have made and which have not been actioned. The mission will go up the org board in each of the agencies if there is no cooperation. Additionally, the mission will pick out and get the message and details of the complaint to 2 new publics (eg. GLs and groups that would find the actions of Flynn/Cooner repugnant) and get these publics to bring pressure on the agencies if they don't act and flank them if they do. The mission will bring the local PP of the area with them and will SSR him/her to follow the whole thing through and expand upon it.
2. In the case of any governmental refusal to cooperate on the denials or where we know they are withholding, the mission alerts Legal US who then follows this up with DOJ actions.
3. WAC gets atty Danny Sheehan back on the lines and cleaned up. Get him to attend the atty conference in LA next weekend and fully lay out the scene to him. Get Sheehan to coordinate with the other attys, get an understanding of the current scene and any of the Flynn docs and overt acts and get him to come up with the ideal legal solution and vehicle to Flynn and his conspiracy, especially in CR. We want restraint.
4. Support the WAC missions by cutting all Dev-T off their lines and get them flat out on handling all the Flynn real cases and points of vulnerability. Evaluate all cases. Fully exploit all avenues available for restraint on Flynn and the other conspirators.
5. Get RI actions, investigations and obs on Flynn which take him out from a completely independent line.
6. Get a damages special bank done at RI US which finds out MIO is behind Flynn and follows this down for further action.
7. WAC to get Flynn prosecuted as a criminal using any

any available resource (eg. Silvana, data from Thieves, him acting falsely as a governmental agent, etc) - don't rely on the bar complaint as the isolated handling.

8. Expand the restraint actions on Flynn to the other conspirators, especially Cooper and those in CW.
9. Follow through in all arenas to complete CONFES!
10. Handle the KMOs of the eval with ethics.

PREPARE:

0. Legal CIC, RI CIC and Mission Teams put together a briefing pack on all agencies and terminals the mission will be contacting, what has been done before, who the terminal is, what his buttons are, what RI data we have on them and the agency etc. This is compiled and the missionaries are briefed on these and take this data with them on the mission.

MSM PREPS  
LEGAL US CIC  
RI US CIC

00. Get successful missionaries selected for this mission. Possibly Artie Wren and Heber Jertz (from the Christo mission for this as we want maximum impact and them to be able to turn over their actions and hat the area AG PRs.

DG US

1. In liaison, Action Aide and DG PP US write a set of Action MOs to handle the inactivity on the criminal complaints and governmental denials and get the products of a) active investigations on conspirators and b) governmental responses or no responses that can be used. These MOs must include the following elements (if 2 missions needed then do 2):
  - a) Contact with the following in criminal complaints:
    - Mass AG to push the Boston Flynn criminal complaint
    - Justice Department in DC on the Cooper criminal complaint
    - Justice Department in DC on the Christo criminal complaint
    - AIUSA in Portland on the Christo criminal complaint
    - Justice Department in DC for criminal complaint on Heatherton and Cicero
    - IPS in DC on Cohen
  - b) Contact with the following on governmental denials:
    - IPS
    - FBI
    - Atty Gen or Governor in Florida in re Russell's actions
    - DOJ
    - Mass AG
    - Atty Gen - Portland
  - c) The obtaining of action on the above in a) and b) or by-passing up the org board til you get satisfaction. (Notify Legal to file FOI requests in such areas of resistance.)



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- d) The isolation of 2 other new publics in each area (above) to whom the issue is taken and who will be outraged with it and do something about it (ie. Make an event out of it - eg. take the Cooner videos and tapes to the Rantists in CK and the Moral Majority in DC, take the Flynn denrogramming complaint to the ethics professors at Harvard and have them make a statement, utilize appropriate OLs who would be outraged by this and get them to go to the media and use their lines and try the issue in the press if the criminal investigatory agencies don't act and flank them appropriately if they do.)
- e) Dove-tail these MOs with the CW Turnaround MOs.
- f) Pattern the MOs off of the successful MOs that were done to flank the Christo appeal, possibly using the same personnel and others.
- g) Have the missionaries take the area AG PRs with them and SSB them on their actions and leave them with a set of actions to get done to discover new PUBLICS and OLs when the mission leaves and arrange that it is a continuing action and new publics are being reached with OIP message, while the investigatory bodies have the heat put on them and are being flanked by public support.

ACTION AIDE  
DG PP US

- 2. Get additional criminal complaints and new publics reached on these issues in other GOs around the country.

DG PP US

- 3. Keep a tight info line in with MAC I/C, DG PR US, DG I US, DG L US, PES US and DG US for anything that comes up from the mission(s) outlined in #1 above so that actions can be followed up on at a US level and Flynn can be tried as impersonating a government official along with his cronies or IP II can be beefed up with the evidence of governmental involvement.

USX OPS

- 4. Get FOI requests filed in all governmental agencies where we suspect governmental involvement with these civil conspirators and get this to MAC I/C for inclusion in the IP II suit.

DG L US

- 5. Exploit in the proper forum and vehicle all findings and evidences from the mission(s) and from other sources, (eg. results of FOI requests, criminal actions on Flynn impersonating a government agent, IP II expansion, etc.).

MAC I/C

- 6. KFFP CALV - MACI Evaluate all major cases, police Dev-t, complete cycles of actions and get wins.

MAC I/C  
Dir I & D

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- 7. Exploit all weak Flynn-related cases via discovery actions, tie him up and get him major losses on the record (ie. in Thieves, Stiffler, Baptista, Smith, Maschel, etc.).

MAC I/C

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8. Explore and activate all possibilities for restraint on Flynn and his co-conspirators (Logan, Russell, et al) using any legal vehicle. (The idea being to get simultaneous restraint on him from all possible quarters.)

MAC I/C

9. Get Danny Sheehan invited to and closed on coming to the atty briefing next weekend (coming a day ahead of time - use Artie Aren as a resource as needed but get him out here).

MAC I/C  
CONVENTION I/C

10. Clean him up when he arrives on any broken promises, financial betrayals, RPC, etc. Brief him separately on the current scene (using Artie if available) and hire him as our civil rights counter-suit expert. KFFP ALL AGREEMENTS WITH HIM and make a working arrangement with him exactly per the senior advices.

MAC I/C  
MAC IS

11. Using the convention, the data on Flynn's conspiracy and the documents, the overt acts committed in Clearwater in furtherance of that conspiracy and the feedback from the other attys (ie. IP II attys, Silverplate, etc) give Sheehan the problem that we want to have solved which is full restraint on Flynn and his co-conspirators (especially Logan, Runch, Russell, Cazares, etc) which takes the form of a counter-suit filed in the same court as the LVS suit and gets its product.

MAC I/C

12. NOTE - VITAL: Should this additional suit be a burden, get another MAC unit set up solely for this action with a new, hatted resource there so there is no further burden on the MAC lines, but run this as a priority.

MAC I/C

13. Get this counter-suit thoroughly prepared, completely documented, brutally reviewed and impeccably filed. Use it for maximum restraint on Flynn and the conspirators. (Should Silvana not have come out on the record prior to this time, have Carhart notified that she will be a party to this suit with other plaintiffs and if he doesn't want this to occur then he had better move with her to get her off LVS and then onto the record - then use this data in the suit and any other criminal arena as applicable.)

MAC I/C

14. Get Silvana set down for depo and actually deposed - fully utilize the data in civil and criminal actions on Flynn.

MAC I/C

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15. Get Rose, the female atty who has FAMCO docs and others who know of the FAMCO docs existence or have them set down for depos in any applicable legal case.

MAC I/C

16. Continue flat out on all loose ends on the prospectus investigations and get these wrapped up, ideally with the prospectus in hand or an addidavit from the PI in this regard.

NEWS RI OPS

17. Pull all loose ends on the personal investigation of Flynn, finding his OLs, the influence of his wife, what he actually did as an IPS atty, who he worked with, etc.

NEWS RI OPS

18. Get effective and secure obs proposed and executed on Flynn personally with his group, with his OLs, his wife, his ID, etc. Continue obs on Clark.

NEWS RI OPS

19. Get Flynn handled from a completely separate line than any of the above.

NEWS RI OPS

20. Establish and maintain a prediction line on him for knowledge of his criminal actions and feedback.

NEWS RI OPS

21. Get a special bank done on the entire damages area which finds the who and the lines behind Flynn.

INFO CIC

22. Survey and find the real "classification" for Flynn (eg. "extortionist") and see that he is only referred to as this and never an "atty" again.

MG PP US

23. Obtain full restraint on Flynn in all arenas - RI, PP and Legal.

MG US  
ALL CONCERNED

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24. Get the results of the special bank followed up on and handlings done.

DG I US

25. Ride these actions to complete done and debug as necessary on a priority basis. Get it through to EP.

DG US

26. Get the WIOs of this eval handled for their negligence on proper ethics gradient for each.

DG SR US  
OC ESTO

EVALUATOR TARGETS:

EVALUATOR

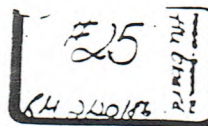


CLERK'S OFFICE  
UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA  
WASHINGTON, D.C., 20001

I, hereby certify that the attached are copies  
of the Exhibits used in the case of UNITED STATES  
OF AMERICA vs MARY SUE HUBBARD, et al., Criminal  
Case Number 78-401, and retained in our office.

JAMES F. DAVEY, Clerk

BY Margaret L. Napier  
Deputy Clerk



1 April 1976

OPERATION PREAMOUT

MAJOR TARGET:

To get P.O. incarcerated in a mental institution or jail, or at least to hit her so hard that she drops her attacks.

PRIMARY TARGETS:

US BI WE SEC working in liaison with OPS NAT. *if needed*

To remove PO from her position of Power so that she cannot attack the the C of S.

US BI <sup>WE</sup> SEC Taking responsibility for the area working in liaison with OPS NAT.

Ops NAT responsible for the overall planning of this project, working in liaison with WE SEC *as needed for completion successfully of the*

OPS NAT responsible for any debugging of this project, necessary.

WE SEC and AG I NY organization operating with INFO *as needed*   
 *for information & completion.*

VITAL TARGETS:

- 1) To recruit an PSM that looks like PO and to train her on this action. *AG IN.Y.*
- 2) To recruit an observation PSM to make a telephone call. No special requirements necessary except security *AG IN.Y.*
- 3) To get "Pin Ball" PSMs or T.M. PSM to get familiar with PO to find out some of her clothes she wears particularly what sort of coat she usually wears and her general looks, hair etc. Also above PSM or PSM will have to meet with PO when the OP goes down *it possible, to get a piece of PO's clothing AG IN.Y.*
- 4) To get a cheap coat that is very similar to PO's. *AG IN.Y.*
- 5) To ascertain what PO looks like now, hair streaked? still skinny? etc. *AG IN.Y.*
- 6) To locate a laundry *near PO's place and to make sure she isn't known there. - (Don't must HAVE CLOTH)* *AG IN.Y.*
- 7) To find out what PO is wearing the day of the this action. and what her hair is like. *AG IN.Y.*
- 8) To have someone available to sneak out PO when she leaves her place the day of the caper, to ascertain when she leaves, what she's wearing etc. *AG IN.Y.*

11422

*AG IN.Y.*  
*#35*  
*7/8/77*

6 - Arc

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VITAL TARGETS cont.

OF BREAKOUT

9) Security is IX IX on this project and "Need to know" is enforced heavily. The only one who needs to know what happening is the "PC" PSM and she only has to know her part. AG IN.Y.

10) To have a set of second hand clothes and a proper wig, ( data on what to buy obtained from PSM in V.T # 3 ) so that when the caper goes down, PC PSM can instantly get into the proper color or style of clothes or as close as possible. AG IN.Y.

11) To train all PSMs thoroughly on each one's actions; and the timing and coordination of each of these actions. AG IN.Y.

12) To insure that the chosen laundry is open during the day of the caper. AG IN.Y.

13) Obtain all the necessary clothes/ Blue Jeans etc that would be necessary for the fast change. AG IN.Y.

14) Obtain Wig that looks like PG, so that PC PSM can wear it during caper. AG IN.Y.

15) Brief. per Ball or TM FPH on that the PSM or Secret Service will probably talk to them about PC. FPH should say his cover and that PC has been seeing people for years and she has many losses when in past or when drunk. Work this out carefully.

*AG IN.Y.*

OP BREAKOUT

OPERATING TARGETS:

CHANNEL 1:

1) Telephone call PG to ascertain if she is home alone. She must be home alone.

AG I NY

2) When she has been found alone, telephone ( during the work week ) 2 Arab Consulates in NYC, from telephone booth nearest PG's place. Telephoner should be a girl that sounds like PG and the call should be fast, to the point, and impinge. It should go as follows: from a totally trusted non staff member.

" I just came back from Isreal ( pronounces the way it is pronounced in Isreal ) I've seen what you fucking basterds do. At least you're not going to kill my sister. I can get away with anything. I'm going to bomb you basterds. Say something in Jewish/swear or mumble something Jewish.

AG I NY

CHANNEL 2:

1) Obtain a copy of Writer's DIGEST - a writer's magazine - ( if not available get any writer's magazine. ) person who obtains this magazine should be disguised in some way and not traceable back to the org. Don't order the mag. by mail. One should easily be found on the newsstands or in "back issues" stores.

AG I NY

2) Obtain the latest promo of the T.M. ( transcendental meditation ) that PG is going to, same security as above.

AG I NY

3) Cut out "letters" from both of the above publications. Include "CAPITOLS". Arrange the letters, pasted, on a clean piece of paper ( not Org paper ) If there is a blank page or nearly blank page in the writers magazine, use it, crossing out in ballpoint anything written on the page. Paste or glue the letters so that they say the following:

"All of you are destroying Isreal. You're just like them. My sister lived you basterds. I was there - I saw the wonderful people. Nobody can touch me. I'm going to kill you basterds. I am going to bomb you. Kissinger is a traitor. I'll bomb him to. It makes me very sick. I must meditate. You are spying on me even in Isreal. Your day will come soon. I'll expose you and bomb you."



OPERATING TARGETS cont.

3) cont. ~~XXXXXX~~

Go to library and type out the name of the Consulate and address of the nation that is most anti Israel (attacking it) . (No prints) Use "Capitols" on the envelope.

4) Place "letter" into the envelope, seal, and mail from the ~~PC~~ mail box nearest to PC's place.

INSURE SECURITY / NO PRINTS on any letters, envelope, or paper, or stamp.

INSURE no paper from AG Office or Org is used.

Entire action should be done out of the Org.

NEED TO KNOW strongly enforced. PR, Communicator Legal should not know. Max should do this entire action.

If in doubt about "did my prints get on anything" throw everything away and start fresh.

CHANNEL 3:

1) FSM in VT # 3 telephones and makes a definite appointment with PC. Sometime when the laundry ( in VT # 12 ) is open. The place should be a restaurant or bar/ one of the purposes of this action is also to get PC drunk.

AG I NY

2) FSM above ~~XXXXXX~~ meets with PC.

AG I NY

3) Steakout FSM ( see VT #8 ) communicates with Case Officer and PC Double FSM ( see VT # 1 ) and alert the former what PC has on, how her hair is arranged, does she have her usual coat on etc.

AG I NY

4) "PC FSM" changes to the closest clothes they have, matching PCs. If PC has on Blue Jeans/ change to Blue jeans. If PC has on her usual coat put that on. ( see VT # 3 and 4 ) What ever PC usually wears ( a favorite sweater etc) a yellow dress, blue, green etc. sneakers, a yellow scarf etc should be had by PC FSM ready to change into. In other words several different out-fits should have been obtained by PC FSM, so that when the caper goes down, she can immediately change into the color or type of outfit that PC has on.

From the observation of the steakout FSM -- to the change of

PC PSM's clothes, only 3 minutes should have gone by. If PC let us say has her hair up, PSM puts her "hair up" very fast it doesn't have to be a good job/ just so it's "up".

AG 1 NY

5) PC PSM goes immediately into the laundry and does the following caper. (wearing sunglasses) This is done immediately, so that PC could have done it on her way to meet the PSM or PSMs for drinks.

( Patter/ PC PSM goes into laundry. Acts very confused. Says "I'm P.C. Do I have any clothes here? Clerk says no PSM demands clerk checks. Clerk comes back. Says no again. PSM screams. You're crazy, my name is PC, check again! When clerk says no or whatever he does, PSM goes PTS 3/ You're one of them! I'll kill you. You're a dirty Arab. You fucking bastards. I'll bomb you. I'll bomb the Arabs. I'll bomb the president. I'll kill that traitor Kissinger. You're all against me. "

If an item of PC's clothing was obtained at TM. PSM leaves this on the counter or drops it on the floor.

PSM

6) PC PSM leaves laundry immediately, turns the corner and gets into "pick up" car. Takes off "PC's coat" Wig or whatever. Changes her looks fast.

②

7) Mean while, immediately after PC PSM leaves, laundry, observation PSM ( see VT # 2 ) asks laundry clerk if they do Suade cleaning and also says, Boy was she crazy! real casually says I think you should call the police with all these nuts threatening to kill the president. PSM leaves. PSM should be disguised and not work on staff.

PSM

8) PSM calls from a phone about 5 blocks away, the FBI and says that she/he doesn't want to get involved and doesn't want to give her/his name but some nut girl in (the name of laundry) just went crazy and threatened to bomb the place and kill the president. With all these nuts running around I thought you should know. The guy in the laundry heard her too." HANGS UP. and leaves immediately and gets out of there. This call/ the PSM's voice should be disguised. All these type calls are taperecorded.(PSM should not be told this; just to disguise her voice.

PSM



PRODUCTION TARGETS:

CHANNEL 1: Should be done within 2 days of receiving this project.

CHANNEL 2: Should be done the day after the above channel is done.

CHANNEL 3: Should be done within 1 week after the above channel is done. (and when other FSMs can get an appointment with PG)

Channel 5 10 days after Channel 3 is done. (Condition)

Love,

Puck

Op Freakout 2:  
No Prints!!!!

Additional channel on Op Freakout. ( Lovely )

1) When TM or Pin Ball PSM meets with Lovely, they get drunk! Another PSM male, has a funny typed out joke. One of these full page sexy jokes. It has a plain white cover on it - a plain typewriter sheet. PSM has 2 copies of this. He shows one copy all around the bar, obviously so that lovely and PSM can see him doing it. Then drunkenly comes over to PSM's table and wips out "joke" to show PSM. Both PSM and "drunk" are careful not to touch plain sheet! The 2 sheets are folded as if to be mailed. When drunk picks up joke again, he whips it up by its corner and puts it in his long open wallet or puts it in his hat that he should be wearing for that purpose. If the hat is used, "drunk" goes into the bathroom and carefully puts "joke" into his wallet. Drunk is always acting the fool. Drunk leaves.

PSM

2) Drunk takes sheet with Lovely's prints to AG I being sure to get no prints on it.

Drunk PSM

3) Write the following letter on a library typewriter and address the envelope to Kissinger in Wash. DC on the same typewriter. (absolutely no PRINTS.)

You are a traitor to your people YOU BASTARD. I've been there and seen what you have done. You're ONE OF them. I'M GOING TO KILL you I'M going to BOMB YOU. I have connection. NOBODY can touch Me. You are a German Pig. You should be in the Concentration CAMPS. I Feel So ILL Because OF YOU and YOU GODDAM PIGS. YOU Die SOON. It IS a Phallic SYMBOL. I Think Transference. EPIDUS The BOMB Is SET TO go. MY Sister ISRE & L. They are Responsible. They Persecute Me. I WILL Kill THEM AND YOU. YOU are All Iga inst ME. TM ash-

The above letter should be typed onto the blank sheet obtained in #1.

AG I NY

4) Mail the above, from the Mail Box nearest Love's place.

AG I NY

5) If the above 1 and 2 don't work out for any reason. Do the same action at T.M. with family and T.M. PSMs.

AG I NY

United States District Court  
for the District of Columbia  
A TRUE COPY

JAMES F. DAVEY, CLERK

By James F. Davey  
United States District Court



OP BREAKOUT

CHANNEL 4:

1) Do not tell "Pin Ball"FSM or TM FSM about this OP, but alert them to immediately report any thing PC tells them. Have them try to speed up their relationship with PC. for feed back purposes. Get feedback on this op. (cle verly)

*for use in other actions.*

IC 1 11

CHANNEL 5:

1) Wait 10 days after the completion of CHANNEL 3. If nothing has accrued from feedback, on PC. Then have the following action done:

~~FSM Female disguised voice, calls the Arab Consulate and asks~~

FSM Female disguised voice, calls the Arab Consulate and asks for the Press "attache". Talk through a piece of thin paper covering the mouth of the phone. This will be taperecorded but don't talk FSM on this. FSM says crying to Attache:

I just want to tell you there is someone a writer by the name of PC, who recently came back from Isreal. She works for Isreal Intelligence. She's also insane. She was in a Concentration Camp in Natz Germany. She's been seeing Psychiatrist for years. Her sister is also with Isreal Intelligence and lives in Isreal. She talks when she high on drugs or drunk. *Later she's been*

*talking about bombing your embassy. I let the damn*

*FSM.*

*FSM hangs up and leaves fast.*

7-13 -

~~7-13 -~~

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*Handwritten: "Purs Ops"*  
*Handwritten: "OK no channel"*  
BID NAT  
NAT SEC  
DG I  
OPS NAT

13 April 1976

*Handwritten: "Paul Routh"*  
CS-W

RE: P.O. Op Freakout

Dear Dick,

SITUATION: Copper is still not terminately handled.

DATA: Cooper is getting her power back, attacking again.

Attached is approved Op Freakout. This additional channel. Should really have her put away. Worked with all the other Channels.

The FBI already think she really did do the bomb threats on the C of S.

SOLUTION: OK this additional Channel.

This is OK *Handwritten: "A"*

Approved *Handwritten: "Disapprove of + triple insurance that NO print are on it"*

Disapproved \_\_\_\_\_

Love, *Handwritten: "R"*

Randy

11423

EXHIBIT U PAGE 24

8 - A PC



14 April 76  
NAT BID  
NAT SEC  
DG I  
OPS NAT

14 11

See note below.

Dusk

operation

5 APRIL 1976

Hand Randy

CS-W

RE: PC Operation

given to NE Sec  
6 April 76

Dear Dick,

SITUATION: PC hasn't been handled.

DATA: PC is attacking Base and probably coordinating MC Clean's attacking actions.

PC has been arrested before for Bomb threats against the O of S.

We reinforce this background and get her committed.

SOLUTION: Implement this Operation Freakout.

This is OK

Approved

Disapproved

Love,

Randy

Channel 3, Target 5: Seems like it

would be good to have FSM just give "her" (P.C.) to the clerk so he'll write it down & an invoice with her address - so there's no misduplication by the laundry clerk. She can do this in a crazy manner so that she doesn't have to actually go the clerk any clothes to clean which can be traced.

Then she can go into her room about asking for her "already cleaned clothes."

L.  
BW

EXHIBIT

PAGE 55

**CONFIDENTIAL**  
**ATTORNEY - CLIENT**  
**PRIVILEGED**

SECRET

6 June 73.

The Goodrich Suit Evaluation

Policy: Evaluate situations before planning actions and handling.

Investigate and thoroughly prepare all legal actions before acting.

Thoroughly prepare legal actions; wins are proportional to preparations.

SITUATION : Suit lodged against U. of S. for 500 million by a Goodrich of San Francisco, including a Class Action.

DATA : A preliminary and a further surface study of this case reveals long strings of omitted data and omitted preparations.

An evaluation was omitted, one that is correctly done.

The advices by Intelligence show gross omissions, even the normal data surveys of individuals involved.

The plaintiff, his cohorts and attorneys are omitted totally as targets in the legal planning.

A wrong target exists in books. This is also dropped out time. Nothing that can be done to books now will help THIS suit. 1 to 4 of ltr 4 June 73 apply with realism to FUTURE suits but would have little bearing on this suit.

The attorney planning, while excellent in itself, is not, however adjusted to THIS suit and applies to any such suit. Omitted are compromising actions that would cause the suit to be thrown out such as conspiracy, government instigation and other factors. And these are omitted because routine intelligence is omitted and because an evaluation has been omitted.

A gross planning error exists. It is assumed that the opposing side is laying a groundwork to govt destruction of Sen, the exact steps of how this COULD be done are laid out. There is no factual evidence that this situation really exists, only that the plaintiff may hope it could exist. The exact error is, as a General, assuming (out of one's own specific knowledge) that the enemy will make certain splendidly planned steps which will lead him to a decisive victory. Whereas the enemy may not have that knowledge and may very well have entirely different things in mind. Then to place all one's defense so as to repel that hypothetical attack but not solidly meet the existing attack can lead to a severe defeat. Dropped out time, wrong sequence, wrong target.

Omitted is a bright idea that will undo all this and this again is omitted because of very little (omitted) normal intelligence like credit reports, familial relationships, past criminal records, involvement with earlier fraudulent suits, possible disbarments, sources of data, sources of finance.



Q EVAL

Omitted by the plaintiff are actual plaintiffs if any. False data is found in the early and scanty intelligence reports; it is alleged govt agencies are in full cry including foreign governments; yet as to agencies, "nobody has answered yet" from these agencies.

"Somebody very big" is back of all this BUT their suit is badly prepared by legal estimation and full of technical faults. These are conflicting facts as a "very big" would not be pushing a faulty filing or allowing one.

Omitted are any transcripts of SP org members or those in other orgs who might have had to deal with Goodrich.

File A. is excellently summarized. By the evidence to hand it is not being fully used, as it contains data in itself which would successfully terminate this suit on its merits and when well examined and USED removes danger from any actual trial as the plaintiff severely injured his head many times BEFORE processing and also fell from a motorcycle and hurt his head in the earliest period of processing. But more importantly he planned to destroy Sen on 25 August 69 for which record and a witness exist and yet refused refund and continued on, thus proving his sole interest was to destroy Sen.

Examining the complaint and the books quoted, the outpoints are dropped out time and false reports, of which the dropped time is also falsified.

The plaintiff signed two success stories available in record.

The wife Lois Goodrich shows extreme hostility and moves in and out, back and forth, per Record A. She is a trifling domineering, threatens with "Federal Marshals" and other officials and is the source of this delusion that this is a very wide case in which the govts are interested. These show false as an outpoint type.

The plaintiff stayed around too long for the action to have begun as a plot by outside interests. It is obviously a plot by him. He is PTS type III and has both mother and wife trouble.

As to receiving treatment, the record shows that he only received a little Dianetics and a quick pass on the SPEND... BUT SPENT MOST OF HIS TIME IN ORGS INVOLVED WITH TRYING TO HANDLE HIS DOMESTIC LIFE AND DID NOT IN FACT RECEIVE FULL HANDLING. He would not straighten himself out so he could be audited. This is a point that can be made.

They refused refunds.

There must have been WAIVERS signed by both these people, possibly several times, that they were not engaged in anything but a religious activity. This is omitted from the file and from planning. That they omit this though it must be known to them is a falsification.



In actual fact all books used were 1950-51 and psychosomatic healing has not been part of any offering permitted by the Church.

Omitted is any defense for , not an officer or director, materials only for a term of good usage.

Falsified by the plaintiff is the corporate status, these churches being different corporations. The plaintiff having taken service from XIX organisations.

Omitted is the glaring fact that the plaintiff continuously engaged in several other practices per File A and could not be said to have suffered from one any more than the other.

The plaintiff falsified his first white Pow, omitting the fact which later emerged, that he had been pronounced insane (probable) and incarcerated in an institution (certain) at the age of 7. and (probable) has been in one at other times, which fact is unknown. The plaintiff was hypnotised apparently on several occasions long before coming to the Church. The Church does not hypnotise so his complaint is false.

Plaintiff said he was crippled by an "explosion in mid brain" and alleges he could not work but when suspended at ASHO worked for 7 months on a tanker.

These and other facts demonstrate that one is handling TWO situations in this case. Thus the two separate evaluations follow, based on above outpoints.

#### GO SITUATION EVAL G1

Policy : Fully evaluate all major situations.

SITUATION G1: The GO US is apprehensive about the Goodrich suit and advocating measures which will not completely handle with certainty but which depend on technical/legal expertise - which they have and which they should employ and which they are employing.

DATA : As above.

STATS : Very good legal stats.

OUTPOINT COUNT : The primary outpoint is omitted data.

This outpoint occurs over and over and over and appears in the form of unutilised (omitted from use) data as well.

These outpoints in the majority occur in the area of Intelligence.

WHY : Intelligence Bu head not providing sufficient information even of a routine nature to permit legal to form solid reassuring planning that will lead to an inevitable win.



SECONDARY WHY : GO US is miscalling "Evaluation" and is doing brief off the cuff SITUATION-WHY-HANDLING write ups which are not pure evaluation and do not use outpoint counts or the Data Series in full.

IDEAL SCENE : US GO calm, confident and effective in all Bus.

HANDLING:

- A. 1. Continue the legal defence as it is proceeding as it is technically sound in its legal strategy and, considering that it is lacking even elementary Intelligence data, is buying enough delay to remedy lack of proper data and evaluation. LEGAL
- B. 2. Run out all ARC Breaks, then w/hs of omission and commission on the head of Intelligence. Handle any personal problems that appear. Do this instantly. STAFF  
AUDITOR.
- C. 3. Do the same for any other Intelligence personnel. STAFF  
AUDITOR.
- D. 4. Promptly look over Intelligence and at once remedy any reason for their organizational troubles. GO US
- E. 5. Get existing Int staff flat out at once on the Goodrich case. Augment or handle personnel/finance as needed so as not to upset any other operation. GO US
- F. 6. Produce any and all data needed for a complete, sound, winning defence. INT BU HEAD
- G. 7. Keep Legal continuously briefed. INT BU HEAD
- H. 8. Method 4 and review all data re expertise in the Int Bu and as written for them especially. GO TRAINING  
OFFICER.
- I. 9. Send an aide from Flag to instruct all US GO personnel on the Data Series. \_\_\_\_\_

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GO SITUATION EVAL G2

Policy : Win a case on its merits.

Delay a case where the merits are indefinite or until the merits can be firmly established.

SITUATION : A suit has been brought against the O. of S. and several of its principals by a Robert Edmund Puthoff Goodrich in the superior court of California, County of San Francisco for personal "damages" and as a Class action, alleging "fraud" in books and advertising and seeking to blow up a common suit into an action far out of proportion to its merits, but which constitutes a damaging thing only if it is lost and makes a precedent.

DATA : See earlier summary.

STATS : Very good stats legally to date.

OUTPOINTS : The very numerous outpoints all add up to false outpoints. Even where omitted data occurs it is omitted for the purpose of falsification. This type of outpoint is almost exclusive in the count except of course the wrong target of suing O. of S.

WHY : Goodrich and his backers have entered upon a false project from false backgrounds, are falsifying testimony and records in the greedy hope of getting some cash.

SECONDARY WHY : Orgs being reasonable about PTS and refund policy and the handling of psychotics.

IDEAL SCENE : Case fully evaluated and the evaluation being pressed home effectively with an eventual win and useful only to close up holes and as example in PR, restrain further attacks.

HANDLING :

- J. 1. Legal to keep the opposition on the defensive and to obtain needed time by means now in use and as per current legal planning as contained in 3 June 73 (d) Strategy, with this single exception : Use Discovery along legal lines by all means, but augment it with File A 2 June 73 Time Track and insist upon obtaining from Int further data and utilise it. See G2-A. Attached.

US LEGAL

- K. 1A. Strategy for defensive actions. See G2-AA

LEGAL

- L. 2. If the case comes to a hearing or trial, in addition to any other approach deemed by Legal to be effective, use G2-B attached.

US LEGAL



- M. 3. Lead as feasible the plaintiff or his associates into making statements in sworn deposition or under oath that can be shown to be false. Develop such data from int and other records and lead them into asserting a thing that can be proven false, then prove it false and move for a charge of perjury. US LEGAL
- N. 4. Work the case into a criminal type counter charge by whatever means. US LEGAL
- O. 5. Counter sue on the basis of G2-C or with whatever other means turn up so as to make an example. US LEGAL
- P. 6. Work out a means of defense of in this and utilise it, preferably to get an early removal from being a defendant. See G2-6. US LEGAL
- Q. 7. Rapidly institute Steps 1 to 3 of the letter to M of 4 June 73 by B. D/G US
- R. 8. Compose, with Legal assistance a disclaimer that does not invalidate the work but explains that the Church, while it is perfectly at liberty to do so, does not engage in psychosomatic handling or accept persons for treatment of disease of insanity and offers spiritual and religious counseling and that the attainment of betterment is at the responsibility of the person himself; that the E-Meter does nothing by itself but serves only as a guide to ministers of the Church; that the author was recounting only observations as a consequence of his work and is not responsible for any promises or misuse of these materials etc; the import being that the person reads these works as his own responsibility. The purpose of this is to debar any slightest chance of being charged, Church or author, with fraud. Design it handsomely like a book plate with space for the persons name on it "This book belongs to \_\_\_\_\_" at the bottom with plenty of space for the name and the type rather small. D/G US
- S. 9. Get this pasted into all books inside the front cover. All countries. D/G US  
CO WW

T. 10. Start the E-meter legal disclaimer with "By itself, this meter does nothing. It is solely for the guide of ministers of the Church in Confessionals" then continue with the court wording, the two statements so placed that they appear to have different origins but are read together even if not placed together.

DC US  
GO WW

U. 11. Complete and publish the religious bona fides.

DC US (with  
assistance).

V. 12. Edit DMSMH, bringing it up to date, adding a discussion of intervening years and the role of the spirit. Reissue as a "New Book", D + 24.

WRITER.

W. 13. Update the Garrison book and get it into print.

GO WW

X. 14. Work out a letter campaign to handle all past neglected or hostile Sons.

GO WW

Y. 15. Collect enormous numbers of existing identity connected success stories and select so as to cover actual gains stated as attainable in books and literature. Use in court. Publish as "Success with Son" with statements by the editor. "We didn't tell these people they could win" is the motif.

DC US  
Appointed  
Team.

Z. 16. Review these programs and add targets that may be suggested or advised.



TARGET 1 - G2-A

The keynote of these people is falsity. This will not apply to just this suit. It will apply to their whole lives, past and present.

BRIGHT IDEA ONE-A for this target : By obtaining a deposition or interrogatory from LOIS GOODRICH or by other means utilise her fixation on govt agencies and Lazaro's false claims of Federal backing or his hopes from them, any connection between Goodrich and the FDA ex-head, and any actual evidence to either affirm or start rumors that this is a conspiracy, prompted by others who are not shown as actual plaintiffs, establish some illegal action by them, preferably theft of records, breaking and entering, taps, espionage within the orgs. Then use this with a blast of PR to "move for dismissal at once". See Letter A, 4 June 73, TIM.

- A. (a) Discover any connection between Goodrich and his possible FDA namesake.
- B. (b) Attain much further data on the connections of these people (i) credit rating (ii) past involvements (iii) suing others (iv) govt involvement (v) past criminal records (vi) source of finance for the suit (vii) any swindles as employee damages (viii) develop a rounded picture of these people, their finances and connections. Feed Legal the data as fast as developed.
- C. (c) Explore how to effect Bright Idea One A above, keeping in mind and USING at this stage the false ideas being fed in by Lois G and Lazarus and acting as if they were true and you believed them (for now).

LEGAL BU

- D. (d) Do the submissions, interrogatory, deposition steps necessary to develop and finally explode the case.

LEGAL BU

BRIGHT IDEA G2-B : Goodrich has a mental hospital record. Age of 7, also 1967, probably many more. Use this to get him labeled as incompetent civilly and not legally able to bring a suit, or use it to invalidate all testimony, and filings. see A, 2 June 73 Time Track.

- E. (e) Collect the records and evidence of the 7 year old mental home, the 1967 NY hospital, the 18 Sept 69 visit to Samuel Scarlet, MD 490 Post Street SFO, any other mental evidence, by legal means. Get it to Legal.

Tgt 1 - G2AB continued.

AF. (f) Obtain documents as listed below and give to Legal.

DC US

AG. (g) Compose the proper court submissions to move for dismissal on the grounds that the plaintiff is insane, that he falsified his application for service well knowing the insane and electric shocked case is not accepted for processing or service in the Church and knew also that he would be rejected if the fact became known. That his conduct while in the Church was that of an insane person (do not furnish his threat to wreck Sch as this must be masked until possible trial). And that the case should be dismissed because of mental incompetence of the plaintiff who has no grounds for suit. Infer this was reason for discontinuance of service but only infer it.

LEGAL SU

(Documents needed, PL on the insane, sample of waiver, WF. Not the waiver pc signed which is to be reserved for any trial).

BRIGHT IDEA : G2-C : Build up a mounting record of false utterances by the plaintiff, his wife, any others so that the atmosphere of total falsity can later be used in case of trial. Ask questions in additional depositions and interrogatories that are leading so as to provoke false answers which can later be shown to be false.

AH. (h) Locate anything false or of pretense in the Plaintiff's life or in that of his wife or mother. Give to Legal.

INT SU.

AI. (i) Work over all data to hand and see how it can be used to provoke false answers in depositions, etc. Use them.

LEGAL SU.

AJ. (j) Carefully list any and all false answers or statements made by the plaintiff or those connected with him, with place and date, particularly those given under oath but not omitting those made to other persons for eventual use, in case of trial.

LEGAL SU.



G2-AA  
TARGET 1A - DEFENSE ACTIONS.

It is too optimistic to suppose that the plaintiff will not have smut and muck to throw at Son, bringing up all sorts of cases that have been on the outs, bringing up chain lockers and handcuffs, bringing in psychiatrists "expert testimony" and trying to make the press with shocking revelations. He may even release things to the press before they come to court in true Democratic fashion in the best tradition of Fascist Germany.

Therefore, these actions should be anticipated. They should be ruthlessly handled to GAIN ADVANTAGE IN PROVING EVENTUAL PERJURY as well as any other legal motive.

But be assured, it is my experience, that these charges are FALSE. Do NOT fall into the trap of believing orgs or Sons do these things unprovoked when they are done at all. Every investigation I have ever conducted (they are MANY) I have found that these entheta utterances and charges against orgs and people were FALSE, and even in the most grave ones, there were fantastic provocations.

In this sense of DEFENSE is where Intelligence (Information) and Legal must work fast and furious and hand in hand.

Aside from legal invalidative tech on such charges and setting them aside on technical grounds, THE STANDARD AND ONLY WORKABLE WAY OF HANDLING THIS MATERIAL IS BY WHAT IS CALLED "Dead Agenting". This is defined as it is in the old Chinese book of war: When an agent is found to be feeding the enemy false information, the enemy kills him: hence, "dead agenting". In our case it means this:

ASSUME AND PROVE THAT EVERY CHARGE BROUGHT IS FALSE AND GET THE DOCUMENTS AND WITNESSES AND DEPOSITIONS AND PROVE IT SO.

This means that any charge or allegation made can only be answered or handled after Intelligence has slashed out and gotten the documents to the contrary or contrary facts are demonstrated in or through witnesses.

- |        |   |           |
|--------|---|-----------|
| AK. 1. | Understand and use the above.   | LEGAL BU. |
| AL. 2. | Understand and use the above.   | INT BU.   |
| AM. 3. | Ask for delays until the thing can be dead agented.                           | LEGAL BU. |
| AN. 4. | Get the contrary evidence. DO NOT LET A SINGLE ENTHETA CHARGE GO BY ! DA IT ! | INT BU.   |

G2-6

TGT 6 Data : Suggested argument for an action that must be done.

There is no valid reason for            to be continued as a defendant in this suit. Petition to remove him must be made.

The facts are plain. He has not been a director or officer of any of these orgs since three years before Goodrich ever came near one.

He had no knowledge of Goodrich, as a case.

The books in question were written by            20 years and 19 years respectively before Goodrich came on the scene. They were written for publication. The copyright date alleged by Goodrich is false.

The books were written years before the Church was founded.

          has no control over the use of his books any more than any author has.

He wrote none of the advertisements offered.

His sole role in this is that of a writer of books nearly a quarter of a century ago. In all that time they, as books, have never been challenged and have been read by many, many people.

It is completely unconstitutional in the United States to charge a writer for writing books and will not stand up in any contest of law regardless of who sold or used the books.

The First Amendment guarantees freedom of speech and press.

Therefore his name should be struck from this suit as a defendant.

If the plaintiff disagrees, then            will have to initiate independent legal action against the plaintiff for libel and slander on constitutional grounds as            cannot legally be considered a party to this suit.



TARGET 2 - G2-B

This person has no case if it ever comes to trial, providing only that the hearings are extremely well prepared and continued on an attack line.

NOTE THAT AT THE BEGINNING OF A CHAPTER OF DMSMH (page 169 ?) it says people who have been damaged by psychiatry cannot be helped or are difficult to help. THIS IS THE WIPE OUT OF FRAUDULENT CLAIMS as he works hard to bring in this very book in his complaint:

Further he signed a waiver. Possibly several as he was in six orgs. "He was informed we did not treat the insane or institutionalised yet hid this data. (See White Form). He was there on false pretences. He refused a refund.

Throughout his processing he had withholds and sweaty hands, most likely, which gives a low tone arm. He is a "low TA" case which means that he is easily directed or misdirected and very easily overwhelmed and will react very badly to badgering or anyone's refusal to accept what he says, which is valuable in face to face interrogation as he will blow up or collapse and will present a bad appearance. Carried in the right fashion during cross examination his blow up could be timed (by simple refusal to accept what he says and by asking the same question doubting his answer) to coincide with a point which would look like an admission of guilt and would be interpreted by a judge or jury as such, particularly if the interrogator remains very calm and pleasant: he will give the appearance of mental instability and guilt any time a cross examiner wishes.

40. 1. He has a long history of head injuries. See 4 June 73 A or (a) "Headache List". See 2 June 73A Time Track, White Form, pre-Son motorcycle accident (1 Feb 69 WF). Although he complains about this, it can be safely assumed, for legal purposes, that this is a fake. The org decided he was not for them, sent him to an MD apparently as on 18 Sept 69 we see Dr. Clark and Dr. Scarlet on the scene saying he had nothing wrong with his head. (Actually this is probably true, enough of a bet to permit a new medical exam which would also appear negative as to head. Actually he probably is diabetic which gives headaches of mysterious origin and turn on under stress, meaning these headaches took years to build up under a bad diet or drugs or alcohol abuse). For legal purposes, it can be established, within the competence of an MD at contemporary tech of medicine that there is nothing wrong with his head. They won't think of blood tests or secondary causes. HIS "HEAD TROUBLES" existed BEFORE auditing, that can be established; he was sent to a doctor to handle; he was offered refunds and refused them and forced himself back on the org; and is currently faking that there is anything wrong with his head. ALL THIS M U S T BE EARLY ESTABLISHED IN ANY TRIAL.



- AP. 2. He had constant troubles with his wife Gold and is undoubtedly being forced into the suit as her pawn. Women who interfere with husbands auditing want husband bad off, old stable datum. It can be established that his relationships with wife were awful, that she constantly interfered with his life (not his auditing as this point must be repressed for later reasons). Attribute his loss of income to his wife troubles establishing that by keeping him under stress he was unable to work. That cares for claims that Son prevented him from working. Actually he would really never get his life in shape to get audited and received very little actual auditing. Make the WIFE the villain for his income losses.
- AQ. 3. He is guilty not only of earlier practices but contacts with other practices during his time of bothering orgs. See 2 June 73 Time Track and records concerning these. It can easily be established by cross examination that he was concurrently engaged in other practices while he was badgering orgs. Thus any condition he has can as easily be attributed to engaging in other practices as to Son. Dale Carnegie, medicine, hypnotism with dentistry, neurology exist; you can be certain others also existed. Yet he seems to be fixated on blaming Son. THIS POINT MUST BE ESTABLISHED FOR THE WHAMO.
- AR. 4. He wrote two or more success stories in which he stated he did have gains. These can be dug up and presented. This is done to establish further his falsity. He will say they didn't last. Infer that this was his own irregular life.
- AS. 5. Now comes the piece de resistance that wins the fraud case. Locate the section in DMSMH the disclaimer as to the mentally ill. Locate the FLs that forbid treating the insane or the physically ill, locate the WFs which omitted his psychiatric history. Present these as exhibits. Unearth the full record of his earlier falsities. Establish that he was fully aware that he was the victim of psychiatry. Establish that he had read DMSMH. Introduce waivers he signed foregoing physical treatment. Establish that he actually knew the subject excluded him in its claims and that he falsified his attestation. Apply this to any other plaintiff. Establish by an exhibit of tons of success stories that it does work. Note that the Handbook claimed only for 88% of cases. That the Church does not use Dianetic claims per waiver. Establish that he refused refunds and that refunds were given his wife. Make the easily made point that he forced himself on six churches, was advised there was need to straighten out his life before he could be helped but did not admit to him he was classified under the insanity policy. Have the claims re fraud dismissed. And the suit..



- AT. 6. Now the piece de resistance the Class suit is it still hangs on. It is "On behalf of others similarly situated". This would include only those persons with a history of insanity who hid the fact and badgered the Church for service. All these people are weeded out when found, as per policy. And by waivers they sign and policies they are shown. If there is such a class any claim they have is as illegal as Goodrich's. Augment this as necessary. Have the class portion of the suit dismissed. And the suit.
- AU. 7. Here is the final whamo. Should the priest penitent privilege be waived, the session of 25 August 69 shows that, or can be made to show that, he PLANNED TO DESTROY THE ORG AND SCIENTOLOGY AND ONLY REMAINED IN IT TO DO SO for three years. The person who audited him can so testify. The report can be entered as an exhibit. That he is lying to the court and to others and that his wife and co-plaintiffs are engaged in inciting action against Son and by the Class Action itself, he is carrying out his plan. When this is done, his falsity has been established in earlier instances, his equivocations will be exposed, the full record of falseness should be entered as an exhibit, between now and the future time of this hearing there might be further threats of violence or action against the Church, these can be brought up as incited by Goodrich and his accomplices. That he is insanely bent on destruction and is a menace to society. Any instances of his efforts to destroy ships or people covertly that have been found can be included. The whole case should be dismissed and the suit. And damages awarded the defendant as well as all costs.
- AV. 8. Should for any reason the trial fail to dismiss, introduce First Amendment considerations as were originally planned for the trial strategy.
- AW. 9. If the First Amendment plea fails, appeal to a higher court, as there would have had to have been gross technical misbehaviour on the part of any judge who failed to dismiss this at one stage or another. BE SURE TO KEEP A RUNNING RECORD OF SUCH TECHNICAL FLAWS ON THE PART OF THE COURT OR PLAINTIFF IN CASE IT IS NECESSARY TO APPEAL.
- AX. 10. Retry the case in the higher state court fully.
- AY. 11. If the state court fails, on the basis of the fact that the Plaintiff alleges complaints against five different organisations one of which is in another state, and as it raises Constitutional issues and was mis-tried, take it to the lowest Federal Court nearby.



- IX. 12. If for any reason the matter fails in that court, by continuing record of technical flaws, take it to a high Federal Court. By this time you would be trying the legality of Class Actions themselves as, unlike others, we cannot settle out of court, and few if any Class actions actually have come to trial. Thus it will be possible to go higher.

(In the meantime, there is hope that Class Actions may have become illegal and that this suit has been brought as a Class Action in the first place destroys it utterly. But don't count on it).

- HA. Constant alertness must be kept at all stages of this suit for perjury. This is the key to it. You will find that (a) THEY DO NOT KNOW WHAT YOU KNOW OR HAVE RECORDS OF. (b) Their strategy will not be perfect and the general strategy of attack envisioned at first probably won't materialize but other odd ball things will. (c) Their first perjuries should be let pass as they will be small. This will embolden them. (d) As soon as you have several small ones and a reliable big one, MOVE TO CHARGE FOR PERJURY and dispose of the case by using the falsity of the plaintiffs against them in this fashion.

- HB. The moment you have a dismissal, work then not just for costs but for some uproar so that you have PR in the win. Do something freakish as soon as the dismissal is sound, such as some extravagant demands such as (a) move for arrest of all persons connected with the plaintiff (b) put in an outrageous cost figure (c) put in a one billion dollar damages claim against all members of the class who supported him, thus seeking to create a precedent that makes a class suit filing dangerous (d) include in the damage demands any govt dept or agency you have any trace of in the case (e) give an amnesty to any news agency that was carrying anti Sen press on it in such a way as to give them a shock of relief, but in return for the favourable win. This is PR BU \_\_\_\_\_ The rest of this tgt is LEGAL.

- HC. Review the whole case to establish any line of attacks or patterns revealed by this suit and act to cancel them as effective lines. See burning the folders: many news stories at SH in late 60s.

DC US

- HD. Develop and invent into hard news blockers or cancellers or invalidators of such lines of attack.

PR BU.

- HE. CAUTION ON TRIAL. Do not let the plaintiff derange your line of attack. Handle his efforts and always come back to the next stage of yours.

- HF. Do not expose any of this planning in any way or data connected with the trial strategy until the actual trial, if any.

END OF EVALUATION.



8 June 75

The Goodrich Suit Evaluation  
( Addition 1 ).

Page 5.

PP. Add 1B; as already mentioned in strategy, make the suit as expensive as possible for them. But to this include, as inexpensive as possible for us so its expense does not unduly absorb funds and thus curtail other needful actions elsewhere. One of the ways of making it expensive for them is used abroad and may be worked out for the US : i.e. the financial competence and financial responsibility of the plaintiff is continuously challenged such as on the grounds of being transient, or often shifting jobs or heavily in debt, thus making recovery of damages for the expense he is causing impossible; this leads to examination of his finances for the suit for one thing; but abroad bond after bond can be demanded, demurrers can be filed to taking depositions required of one on the grounds of expense and new challenges of financial responsibility can be made every time with new bonds. The plaintiff is the one causing the trouble and he is NOT financially responsible at all. The attorney's source of funds can thus be traced. Change of venue can be re-pleaded at every pretext and also on these grounds of financial burden. In each such filing one drives home the irresponsible falsity and the insane character of the plaintiff, questioning any legal rights at all and repeating this was the reason the Church refused him service. Work out other ways of causing them expense. And in one or more of these discover an already existing improper use of funds or malfeasance in the plaintiff's or Lazarus' methods of obtaining funds such as false promises to other claimants. Steer it into a financial crime case as feasible.

LEGAL BU

PQ. Add 1 G Intel (Information Bu) to obtain legally information as to how funds are being contributed and to find the evidence that the suit, in fact, is just a means of shaking down other claimants, a sort of side swindle by the plaintiff and attorney.

INT BU.

PR. Add 1 D There is some possibility that Lois Goodrich and Lazarus would get rid of Goodrich. The pair may have something going and plan something about Goodrich whereupon his demise is used to prove he had been harmed. There is something wrong in that set up. Find it. Legally.

INT BU.

Page 6 & Page 9B.

Target 6 and its suggested Data. REVISION.

If in legal opinion this will open the door to putting too solidly into the case, use this only if the plaintiff brings it up, or lead in to get a removal only when the plaintiff says clearly that it is only about books that is named as one of the defendants. If the plaintiff could be led to state that, then a possible move for removal could be attempted.

---



1 IN THE CIRCUIT COURT OF THE STATE OF OREGON  
2 FOR THE COUNTY OF MULTNOMAH

3 JULIE CHRISTOFFERSON TITCHBOURNE, )  
4 Plaintiff, ) No. A7704-05184  
5 vs. )  
6 CHURCH OF SCIENTOLOGY, MISSION ) AFFIDAVIT OF  
7 OF DAVIS, a nonprofit California ) GERALD ARMSTRONG  
8 corporation doing business in )  
9 Oregon; CHURCH OF SCIENTOLOGY )  
10 OF CALIFORNIA, a California )  
11 corporation, doing business in )  
12 Oregon; and L. RON HUBBARD, )  
13 Defendants. )

12 STATE OF OREGON )  
13 County of Multnomah ) ss.

14 I, GERALD ARMSTRONG, being first duly sworn, depose  
15 and say that:

16 I was in Scientology from 1969 to 1981. During several  
17 long periods in the 1970's I had direct contact with L. Ron  
18 Hubbard and from 1979 through December 12, 1981, I worked  
19 directly for L. Ron Hubbard in his personal office.

20 I am very familiar with the steps taken by Mr. Hubbard  
21 and the Scientology organization to keep his whereabouts  
22 and the fact of his control of Scientology a secret. I  
23 am also knowledgeable of Mr. Hubbard's absolute control and  
24 the means by which he effected it. In 1980, I saw and was  
25 briefed on orders from Mr. Hubbard which showed his knowledge  
26 of the Christofferson case.

1 I have reviewed the document entitled "Christo Final  
2 Handling Eval" attached hereto which was produced in the  
3 instant case by the Defendants. I am familiar with Scientology  
4 and Guardian's Office terms, positions and activities and  
5 am able to interpret the significance of this document  
6 for the Court.

7 This document is a Guardian Programme Order (GPGMO),  
8 an order for Guardian's Office staff with various specific  
9 targets which must be carried out. The GPGMO is in the  
10 form of an Eval, an evaluation or data analysis, which finds  
11 a "why" or reason for a problem and seeks to correct the  
12 problem with the specific assigned targets. This GPGMO  
13 would have been issued in late 1981 since it refers to  
14 Charles Parselle as being the Ex Deputy Guardian for Legal  
15 at World Wide (E DGL WW). Mr. Parselle was removed as  
16 DGL WW in the Summer of 1981.

17 There are various references to "Senior Advices" or  
18 "R Advices" throughout this GPGMO. These terms were used  
19 in the Guardian's Office and in all the top management units  
20 of Scientology from 1978 onwards for "LRH Orders", orders  
21 from L. Ron Hubbard. The reason for this was to cover up  
22 the fact that Mr. Hubbard was issuing orders into the GO  
23 or Scientology. The specific orders from Mr. Hubbard referred  
24 to in this GPGMO are:

EXHIBIT LS PAGE 104

- 25 A. File a Counterclaim on Julie Christofferson;  
26 B. Bring criminal charges against the litigants;



1 C. Launch criminal proceedings against the  
2 investigators and perpetrators;

3 D. Disprove the false testimony and including  
4 false PL's (Hubbard's Policy Letters); and

5 E. Take legal action against Judge Jones  
6 for his making a mockery of the trial, including  
7 criminal proceedings as his actions are assumedly  
8 based in actual crimes.

9 A through E above were ordered by L. Ron Hubbard in  
10 August/September, 1979. They are again ordered in late  
11 1981, as laid out in pages 6-8 of the GPGMO. These targets  
12 are given to All Clear IC US for execution. Mission All  
13 Clear was the title given to the unit which had the  
14 responsibility, as ordered by Mr. Hubbard, of resolving all  
15 his legal problems to the point where it was "all clear"  
16 for him to come out of hiding.

17 The following list of terms included in this GPGMO are  
18 defined in order to assist the Court in understanding this  
19 document:


20	HCO P/L's	-	L. Ron Hubbard's Policy Letters
21	HCO B's	-	L. Ron Hubbard's Technical Bulletins
22	Comm Ev	-	A Scientology internal justice/ disciplinary body
23			
24	Watch Dog Committee	-	The secret group of top Commodore's messengers who ran Scientology, answerable only to L. Ron Hubbard
25			
26	...		

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- 1 Founder/Commodore - L. Ron Hubbard
- 2 Q & A - "Question and Answer".
- 3 Non-compliance with
- 4 an Order
- 5 B1 - Bureau One of the Guardian's
- 6 Office. The Intelligence
- 7 Bureau, responsible for covert
- 8 actions against people
- 9 viewed as enemies
- 10 CP - Charles Parselle
- 11 GAS - Guardian Activities Scientologist.
- 12 A covert operative for the Guardian
- 13 Office, not formally posted in the
- 14 GO
- 15 R - L. Ron Hubbard
- 16 OM - Omitted. Eg. OM Counter Attack -
- 17 Omitted Counter Attack, a counter
- 18 attack which should have occurred
- 19 but did not.
- 20 (The notations like OM Hardling,
- 21 Added Time, Wrong Target, etc.
- 22 under the Data Section of the GPGMO
- 23 are called "Outpoints". They are
- 24 also called "illogics" in the
- 25 Scientology logic system. They are
- 26 errors or things which should not be
- there. The person or unit responsible
- for the error is noted to the right of
- the outpoint. Eg. Ex DG L WW is
- Charles Parselle).
- CI - Counter-Intention. Doing something
- other than what was ordered. In
- this case, Charles Parselle was CI
- to the LRH order to gather up
- evidence of crimes by the litigants,
- and was thus removed from his post.
- WHY - What caused the problem.
- Ethics Why - The "crime" or violation which
- supposedly underlies the problem.
- In this case, Charles Parselle had



1 failed to utilize and implement the  
2 the LRS orders regarding getting  
3 the litigants (Christofferson  
4 and the attorneys) thrown in jail.

5  
6   
7 Gerald Armstrong

8 SUBSCRIBED AND SWORN to before me this 8th day of  
9 March, 1985.

10   
11 Notary Public for Oregon  
12 My Commission Expires: 1-22-88  
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*Info* *WNS Chief*

GUARDIAN PROGRAMME ORDER

CHHO

CHRISTO FINAL HANDLING EVAL

*PTL- AUG 81*

POLICY

Senior advices on Christo.

Nothing in this eval may be interpreted to violate or alter or change HCO PL's or HCOB's. Anyone executing a target in this eval in such a way as to violate or alter any HCO PL or HCOB will be actionable by Comm Ev. Any recommendation in this eval or change of policy or tech must be cleared by the Watch Dog Committee (WOC) before being placed in the eval as a target and resulting PL or Bulletin must be reviewed by the Founder personally. All data or handlings where they refer to policy or bulletins must give the policy or bulletin number and its location and text verbatim.

SITUATION

Senior advices on Christo have not been carried out while our legal actions have merely amounted to a shuffle with no win, no prosecutions.

STATS

No Counter Claim ever filed on Julie Christofferson.

No Criminal charges ever brought against litigants.

No criminal proceedings launched against the instigators and perpetrators.

No handlings ever done to disprove false testimony and including false PL's.

No legal handling ever taken against Judge Jones and his actions to make a mockery of this trial (which are assuredly based in actual crimes).

[All the above were ordered by Senior Advices issued August/September '79.]



-2-

Endless Q&A between SI and Legal over what is needed to bring criminal charges.

The original Christo Eval (on the loss) was done by C.P. in August 79 and was actually not approved. (Point G insufficiently broad sit.)

The Bright Idea of that was "revised" 14.10.79.

The Bright Idea was "re-revised" 11.11.79.

Christo Suit was re-programmed (not off an eval) in June 80 and this called for setting up CASes, paying the attorney, Q&A over if we had or could even get enough data on filing criminal charges.

January 81 Opening Appeal Brief was filed by us and virtually is devoid of any attack lines, while McMurry's response is 134 pages, replete with attack lines on us.

Christo was re-eval'd again recently by CP who did not and would not use Radvices. This resulted in a failed mission, cross orders, CP's disapproval of a suit that would counter the Christo attack (and was based on R advices).

#### DATA

Christo suit was originally filed in 1976 based upon spurious charges and vicious attacks upon Scientology, its tech and policy (essentially putting Scientology on trial as a fraudulent organization, which is forbidden by the 1st Amendment of the Constitution). No counter claim was filed. The basic strategy was to assert the 1st Amendment protections (which is defensive). From 1976 to 1979 this suit remained in neglect (with USCO Legal directed onto criminal matters after the 1977 raid as a higher priority action (which again was defensive)).

ON COUNTER ATTACK	LEGAL US/LEGAL WW
ON HANDLING	LEGAL US/LEGAL WW
ADDED TIME	LEGAL US/LEGAL WW
WRONG TARGETS (2)	EX OG L WW (CP)

We lost the Christo case in August 79 with a trial that was a mockery, with tainted jury members, a Judge who based his opinions on data he obviously obtained outside the courtroom, false testimony and known evidence sufficient to support a mis-trial.

CP's ordered handling of this was to defend the Constitutional Rights of other religions. This is a Legal Shuffle. This Eval's bright idea was not approved and rather than re-evaluating CP issued another "Bright Idea" which was basically attempting to employ positioning tech, targeting the opposition attorney's words and legal tactics. This is another Legal Shuffle.

This "bright idea" was obviously also not bright enough as it was again revised. Charles added the A advice on getting litigants under criminal charges before the Appeal to his already existing, incorrect bright idea. The eval was never redone correctly to actually encompass the broad situations that the Advices point out (such as "false testimony exists among Legal Ranks and courts in courts including false FL's").

ON OFFENSIVE TO OBVIOUS CRIMES	EX DG L WW CP
WRONG TARGET	EX DG L WW CP
WRONG SOURCE	EX DG L WW CP
OMITTED CONFRONTING AND HANDLING	
OF CRIMINAL ELEMENTS	EX DG L WW CP
WRONG SOURCE (3)	EX DG L WW CP
OMITTED EVAL	EX DG L WW CP

After the trial, but before the decision on the Motion Notwithstanding Judgment, the Judge appeared on radio with Peter Rudis, one of the opposition attorneys wherein they speared entheta on "cults." No legal action was taken on the Judge, such as an ethics complaint, criminal charges, mis-trial or a demand for his immediate removal from the case.

ON OFFENSIVE	EX DG L WW
--------------	------------

B1 was to gather up evidence of crimes by litigants and others per the advices given. Ex DG L was CI to this, stating at the time that B1 did not know what legal wanted, and could not come up with useable evidence. In actual fact, B1 did come up with useable evidence two years ago. This was not used for criminal complaints, but was used to file a civil suit against Christo's mother, the deprogrammers. This did not name Christo and is not a Counter Attack.

FALSEHOOD	EX DG L WW CP
WRONG TARGET	EX DG L WW and
	LEGAL US
ADDED TIME	L WW/L US
QM COUNTER ATTACK	L US



In early 1981 BI collected up further data as per the advices, including letters from deprogrammer Alma Bell to the criminal psychotic Tom Seville which show crimes were committed and show further strings to pull for further, more serious crimes. BI analysed this data and packaged it recommending a criminal action and counter offensive suit which could become a counter claim (in the event of re-trial). This was entirely programmed out. CP nixed the Counter Offensive, favoring instead a Jury Misconduct suit which is not a counter suit, has minimal viability, but is offensive. Charles thought the purpose of filing such a suit was to get publicity, before the appeal (not to win it). But the advices are to get JAIL sentences before the appeal.

CORRECT TARGET	BI (M.V.)
WRONG SOURCE	CP
WRONG TARGET	CP

Charles nixed this Offensive Suit on his way to Portland via Cristo Mission. This Mission was called from off an Eval that Charles did (following his removal from post by Comm Ev). This eval came up once again with a situation that was insufficiently broad, did not use the R advices, and once again gave the legal shuffle. His why was that the GASes in Portland were not hatted on attack and so he set out to "hat" them. This hating did not include all the R advices (and in fact only one GAS saw some of them). CP, who later wrote up 19 pages of disacements with the R advices, "quailed" the GASes hating on attacks and refused his Man Ops order to incorporate the R advices and launch a proper offensive, nattered to the CO Portland staff about having been removed and getting his issues cancelled. In actual fact, Charles sabotaged the actual preparation of the Appeal and the Appeal drafts just turned in by these GASes are an overt product.

WRONG SOURCE (3)	CP
WRONG TARGETS (3)	CP

The WW staff, US staff and Portland staff were all of the assumption that Charles ethics were handled. The matter of how Charles got through SB WW Qual and Ethics lines is covered already by the second Comm Ev on CP. His mission second (Jere Matlock) returned from this Mission wanting to leave staff and is still on Ethics lines.

ON PERCEPTION

Those WW/US/Portland staff concerned

OUTPOINT COUNT

OMITTED )  
WRONG TARGET ) Are the major outpoints.  
WRONG SOURCE )

The majority are assigned to ex-OGL WW, CP.

WHY

The obvious offensive data needed to start criminal proceedings moving and win this case has never been utilized.

ETHICS WHY

ACTIVE AND HIDDEN AND CONTINUAL STOPS ON UTILIZATION AND IMPLEMENTATION OF R ADVICES.

WHO

CP, Ex-OG L WW

IDEAL SCENE

CRIMINAL PROCEEDINGS LAUNCHED AGAINST THE INSTIGATORS AND PERPETUATORS AND CASE WON.

HANDLING

BRIGHT IDEA

USE THE BRIGHT IDEAS ALREADY GIVEN US VIA ADVICES AND GET THESE DONE, NO Q&A, WITH CRIMINAL PROCEEDINGS UNDERWAY AND CASE WON.

RESOURCES

ADVICES

BI DATA AND ANALYSIS PREVIOUSLY DONE

M.V. WHO IS NOW LEGAL US STAFF AND KNOWS AND USES ADVICES.

CORRECT CHANNELS ON WHICH TO ROUTE EVIDENCES OF CRIMINAL ACTIVITIES AND CONCLUSION.



PLAN

1. Immediately file Criminal Informations with Portland AUSA and simultaneously with DOJ Civil Rights Board in DC.
2. Get the extension already filed on the Appeal Brief Date.
3. Get the Appeal Brief qualling and needed re-writes into the hands of MV and get this produced from R Advices.
4. Get the Offensive Suit approved, PR flanking worked out and rapidly filed in Portland for a hard hit against Christo and her cohorts.
5. Push through the Criminal complaints until the product is obtained. This is done in liaison with SI's current Mission to Portland that will dig up more dirt, feed it to PR and Legal and fully expose the collusion and crimes.
6. Demand that PR tries this suit in the Press loudly and exploiting every Legal offensive and win.
7. Get the Appeal Brief filed.
8. Handle the Portland attorney (he most likely has false data and overts since CP's Mission). If he does not handle rapidly - like in an hour from time handling begins - fire him and get someone who has never lost a case.
9. Via WUS Asst. get the Portland staff cleaned up fast with Ethics/Qual handlings on the False Data from CP. Meanwhile by-pass these and their CASEs until danger handled.
10. Do likewise with Legal US staff.
11. Get the criminal proceedings carried out and the Appeal filed and pushed to the win.

PROGRAMS:

1. Immediately get the SI data utilized via Criminal Information complaints: a. One filed with AUSA in Portland in person and ensure the data arrived into the proper hands with impingement. b. Letter off to ODP, DC.

1. The Appeal Brief filing has been requested to be extended. Get this extension.

ALL CLEAR IC US

2. Get the Offensive Suit filed, with a big PR flank.

ALL CLEAR IC US

3. From the current SI Mission, get the data on further string pulls and more serious crimes brought directly to legal, fed into our now filed complaints and pushed into the hands of terminals in DOJ and AUSA who will prosecute the guilty terminals.

ALL CLEAR IC US

4. Ensure SI data on JR Jones is used to the hilt as we want criminal proceedings against this judge as well and prior to the Appeal being filed.

ALL CLEAR IC US

5. Get Attorney Merten to LA as rapidly as can be and get him cleaned up and onto SR advices and firmly on staff and not half way on staff. If he does not immediately come around, fire him and get someone who is with us.

ALL CLEAR IC US

6. Conditional: Get the new attorney briefed, onto the advices and winning with an offensive.

ALL CLEAR IC US



8. Work out via Attorney Marten, solutions to beefing up this Christo Barratry suit (the civil suit filed in lieu of a counter claim). Get it beefed up and on the offensive.

ALL CLEAR IC US

9. Keep the heat on the DOJ complaint to DOJ. (DC will have to be briefed on this matter and be able to debug on the spot and assist in getting the product we want.) Keep the pressure on this via a PR flank that makes a stink.

ALL CLEAR IC US

10. PR will have to try these cases (civil and criminal) in the press and very, very loudly. If Portland press won't carry, get a media that will carry. Use DC PR to make them make a national issue.

DC PR US

11. Get criminal proceedings and get charges brought.

ALL CLEAR IC US

12. Get the Appeal Brief in, heard and a win on this.

ALL CLEAR IC US

13. Get all named hits as outlined in advices assigned and evalled. Legal will do "false testimony and false PL's" eval.

AVU

14. Four final targets.

SUPP. AB.-102

G Pgm O 4113-2  
Sup: MPC WW

17 November 1979

**JULIE'S BACKGROUND**  
(REF: GPGMO 4115)

INFORMATION: G Pgm O 4115 lays out broad steps to be taken to document that the people involved in the Christie case are criminals with criminal backgrounds and criminal records and that they engaged in a criminal conspiracy to defraud the organization under the guise of "home and mother". Julie appears to be pure as the driven snow, so considerable background data on her is needed to give us direction in locating the real facts of interest about her.

MAJOR TARGET: The criminal ~~background~~, drug history, record of arrests, former employment, perversions of Julie, fully known and documented, as needed.

**PRIMARY TARGETS:**

1. Somebody there: West Sec SI US.
2. Worthwhile purpose: To provide evidence of Julie's criminal nature and background.
3. Somebody taking responsibility for the area or action: WEST SEC SI US, SI Programmes.
4. Form of the Org Planned Well: West Sec to locate a writer in LA or Portland who is interested in writing a book on Julie. This writer is already at least somewhat established - he has written at least one or two articles, papers or books. CO is either West Sec or AGI Portland. Daily report line set up, and phone calls every two days. WEST SEC SIUS
5. Form of the org held or reestablished: GAS run with tight SC, and Daily Reports READ DAILY, with no SI's shrugged off. WEST SEC SIUS
6. Org operating: Programme begun on receipt as highest priority

**VITAL TARGETS:**

1. Security course data FULLY applied to GAS. WEST SEC
2. Finances arranged immediately so they are there when GAS ready. WEST SEC SIUS
3. GAS gets agreement in writing that his product is of interest to a publisher. (No formal contract needed.) WEST SEC
4. Julie interviewed first, very lightly. Let her know how Julie book being written with lots of human interest and then about her and enthuse on nasty C of S. WEST SEC

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SUPP. AB.-103

OPERATING TARGETS:

LIBBY/EUREKA, MONTANA

From 1967 to 1972, the Halls lived in Eureka at which time they moved to Libby, where they currently reside. Thus, most data of interest on Julie would be in Eureka as she attended fourth grade through high school there.

1. Go to the Lincoln County High School and meet the person in charge of students. Get a list of people to interview who would know the best about Julie. Get a letter of introduction from him.

WEST SEC SIUS \_\_\_\_\_

2. Ensure Julie's pastor, friends, classmates, boyfriends are gotten.

WEST SEC SIUS \_\_\_\_\_

(Note - although targets are assigned to West Sec, they are done by whomever is assigned to them by West Sec.)

-2-

3. Locate and interview Julie's pastor. Find out any involvement of his in the suit. Any data he has on Julie's conduct pre-Scientology, leads from him on who else to talk to. Get all the data he has on her background and related subjects.

WEST SEC SIUS

4. Conduct as many other interviews as possible. Include her former employers, classmates, Lutheran Church youth group classmates, teachers and find her boyfriends to get all data about her early promiscuity and sexual conduct. (Session data indicates she had been concerned in the past

[REDACTED]

WEST SEC SIUS

5. List out all strings which have surfaced and pull those which are in this location.

WEST SEC SIUS

5. Get affidavits wherever possible; but only on data which fits the major target.

WEST SEC SIUS

6. Contact Phil and Farrell LaChairs and interview them for data and other leads to people unfriendly to Julie.

WEST SEC SIUS

7. Get any private investigator reports Phil has gotten from the PI he hired awhile ago to determine if any data is of interest regards Julie.

WEST SEC SIUS

8. C/S Phil on the PI cycle if it looks fruitful and usable.

WEST SEC SIUS

9. From above targets, list out further strings which will lead to discreditable data including the following (if not already gotten):

- a. Trips made by Julie C.
- b. Why Julie came to Portland to "get away from boy friends"
- c. When Julie hooked up with Bob Fitchbourne (reported to be Sept. 77)
- d. Why Julie was married outside of her church
- e. Any arrest records of Julie

WEST SEC SIUS

10. Pull these strings and affidavit or document as possible, data of interest.

WEST SEC SIUS

11. Locate the father of Mike \_\_\_\_\_, who claims Mike went to the mental hospital due to Pat Oslar giving him harm. This Mike was supposedly friends with Oslar and Julie.

WEST SEC SIUS

12. Interview him for any discreditable on Julie C. Get affidavits and leads to others with discreditable data.

WEST SEC SIUS

13. Interview Julie's employer in Kalispell Montana and any fellow employees for data and discreditable. Get affidavits as possible or documentation.

WEST SEC SIUS



-3-

14. Interview Julie's physician in Whitefish, Montana, for any psychiatric connections, promiscuity, etc. Document and/or affidavit as possible.

WEST SEC BINS

15. Review all data gathered in the Montana area and ensure all possible strings have been pulled and documented.

WEST SEC BINS

BONNERS FERRY, IDAHO:

Julie was born here 14 August, 1957, and lived here until she was about 4 or 5 years old.

16. ~~conclude~~

THE KALLS, SWEET HOME, OREGON:

The Kalls lived in Sweet Home from 1963-77. Robert Lettrud and his wife (he's Alma's son) live currently 30 miles away in Philomath. Lettruds were in ~~conn~~ and exchanged visits with Julie about once a month while she was in Scientology. Father Kent Burtner has done ARM work in Sweet Home. About 40 miles south of Philomath is Eugene, where Burtner was until his transfer to New Mexico.

17. Locate where the Kalls lived while they were in Sweet Home.

WEST SEC BINS

18. Interview neighbors for data and leads to others in town who would know more about Julie's later life.

WEST SEC BINS

19. Find the Lutheran Church which Julie supposedly attended and interview the pastor there for any data.

WEST SEC BINS

20. Find someone who was close to Burtner and interview them for any data of interest of Burtner's contact with any of the people in this case, particularly Julie.

WEST SEC BINS

21. Interview the Lettruds for any data of interest regarding Julie's early days. Do they have any data regarding Julie's step-father making advances to her when she was about 5 years old? Do they have any data regarding Alma leaving Julie with "other people" when she went to Europe rather than with the step-father because of what people might think? (Session dat.)

WEST SEC BINS

22. Pull any remaining strings and get affidavits/documentation where possible.

WEST SEC BINS

PORTLAND AREA:

23. Interview neighbors and residents of the house Julie first lived in when she moved to Portland. Get discreditable data and affidavits as possible (1035 S.E. Bodwell.)

EXHIBIT

PAGE

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24. Julie said she went to the Lutheran Church on 10th or 12th Street a few times. Interview the pastor there and see if he remembers her. Get what data would be useable plus any discreditable data and affidavit.

WEST SEC BURS done

25. Julie moved from Robin Jones' house on Bodwell on July 30 to an apartment with Linda Shelly. Ensure Jones and Shelly are interviewed suitably and affidavit as possible any useful data.

WEST SEC BURS done

26. Julie worked at the Heathman House while on ethics lines. Interview her boss and fellow employees for data on her and any discreditable data. Affidavit as possible.

WEST SEC BURS \_\_\_\_\_

27. The day Julie's pastor brought 5-6 high school students to Portland to see Concordia College, Julie met them for lunch and drove back to Montana with them. This was the start of her deprogramming. Check at the college for students from the Libby area. Interview them from a position of altitude and get any discreditable data or leads they might have. Affidavit any useful data.

WEST SEC BURS \_\_\_\_\_

28. It must be determined how Julie did get the job at Tom Saville's company. Did he know her family?

WEST SEC BURS done

29. Interview company employees of Saville's company, Northwest Detailing Service for data on Julie and Saville's relationship. Affidavit any useful data.

WEST SEC BURS \_\_\_\_\_

30. Saville reportedly told Julie that the Comm Course was making her worse, not better. Get contrary data on Julie affidavit by employees.

WEST SEC BURS \_\_\_\_\_

31. Find out why Saville and Julie maintained a comm line after she left his employ.

WEST SEC BURS \_\_\_\_\_

32. Find out why Saville threw two parties for Julie who was only working there for two months. (In September, 1975, he gave her a going-away party after all her complaints about what a rotten person he was).

WEST SEC BURS \_\_\_\_\_

33. Interview Mrs. Saville suitably for any information on Julie of use. Does she know how Julie got her job at Saville's firm? Was there 2D going on between Saville and Julie or Julie and anyone else?

WEST SEC BURS done

34. In Julie's 1975 income tax filing, she made no mention of her earnings from Northwest Detailers. Did Saville have her on the books or not? What was her salary, bonuses?

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WEST SEC BURS done

35. Get access to any Northwest Detailing records on Julie and get any pertinent data from the records.

WEST SEC BURS done



-5-

36. Get a list of all the Scientology staff and public who knew Julie. Have each interviewed from a prepared list of questions and pull all strings. Find out everything they know about Julie with emphasis on discreditable and/or criminal activities and/or perversions.

WEST SEC BUIS \_\_\_\_\_

37. Ensure Jessica Marks is interviewed for all her data and leads to others who could give data.

WEST SEC BUIS done \_\_\_\_\_

38. Review all data collected and list out any remaining strings.

WEST SEC BUIS \_\_\_\_\_

39. Get these strings pulled and all useful affidavits collected.

WEST SEC BUIS \_\_\_\_\_

PRODUCTION TARGETS TO BE SET ON INDIVIDUAL MISSIONS ORDERS.

REMARKS: 1. 10/10/70

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PAGE.

15:14 25 114

This program is to be done together with C 4115-2, Jettie's background, by the same suitable class.

לחם ויין

6. Other Organizations: See C 72 0 4115 - 2.

5. FORM OF CIRC OR INSTRUMENTS: 300 C 25 0 4115 - 2.

•dn-300 amos 243 Duzan 2000

4. PORT OF ORIGIN: PLANTATION WELLS, See C Pm 0 4115-2 JUL1968

**WILLIAM S. HARRIS**

1. SO EXERCISE RESPONSIBILITY FOR THE AREA: EST. BY DATE 11/1/65

משה ואלה שמות בני ישראל

१३२५४७८९०

2. NOBILITATE JURIS: Evidence obtained in violation of the exclusionary rule is inadmissible.

1. SUMMITT TITLES: MUST BE IN ALL CAPS

PEPPER TUNES:

אין אונזערע שולן וועט מען זעהן און שמועסן מיט אונזערע קינדער וואס זענען שוין געווען אין אונזערע שולן. און וועט מען זעהן און שמועסן מיט אונזערע קינדער וואס זענען שוין געווען אין אונזערע שולן.

מחבר:                     

[illegible][illegible]

These investigations are being conducted in cooperation with the U.S. Coast Guard and the U.S. Fish and Wildlife Service. The results of these investigations will be reported to the appropriate agencies.

[illegible]

התכונות הנ"ל הן תכונות של קבוצה פשוטה, ולכן קבוצת ה- $G$  היא קבוצה פשוטה.

[illegible]

പ്രമാണങ്ങൾ നൽകി തീർപ്പാക്കിയിട്ടുള്ളതാണ്.

הנהגתו של המנהל הכללי של המבחן, וכן ההחלטות שהתקבלו במסגרת ההנהגות, הן כפופות לביקורת של בית דין.

מספרים אלה הם המספרים המצויים בכתב היד, והם נכתבו על ידי המחבר. המספרים אלה הם המספרים המצויים בכתב היד, והם נכתבו על ידי המחבר.

סניף 5.0.1.1

אם: פלא וחס

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UNRECORDED BY MEMO

26-11-79

SUPP. AB. -108



-2-

married within a year. She married Berwin V. Hall, her present husband. They lived in Bonners Ferry for about a year, 1961 to 1962, when they moved to Yellowtail Inn, Montana. In 1963, the Halls moved to Sweet Home, Oregon, where Alma worked as a bank teller, then, in 1966, they moved to Breck, Montana where they stayed until 1978.

Chances are that relatives of Alma's three husbands are still in this area (Lethrud, Christofferson and Hall), so all possible leads should be followed to locate and interview these people. Alma still has contacts in these areas as she has called there and visited from time to time.

1. Locate and interview the following for data on Alma's criminality, drug history (if any), record of arrests, former employment, perversions: (Ad: all the following people may not have data on each of these points, so get whatever data can be gotten without freezing up the cover lines)

- a. relatives of Alma's former husbands (those who dislike her, preferably).
- b. Andrew Christofferson himself.
- c. Former neighbors of Alma's
- d. Employer and people who worked with Alma at Kelson Lumber Company from 1949 to 1951.
- e. Check with local police to ascertain any arrests records, etc.
- f. Check the court house, criminal dockets, for any records of Al.

g. For data of Julie's there was a time when Al was planning to go to Europe and preferred to leave Julie with "other people" than Berwin Hall because of what people might think. Julie stated in session that Berwin "put his hands on her" when she was about 5 years old (circa 1962). Is anything known about why Al felt like this, i.e. did she know about any of her husband's perversions yet cover them up, disregarding her own children's welfare?

h. Did Al go to Europe and if so, how was this afforded and why did she go?

i. Pull any other strings that crop up which will get data and documentation of the points in this target.

WEST SIDE BRIS

SHEET HOME, OREGON:

The Halls lived in Sweet Home, Oregon, from 1963 to 1966 and Al worked as a teller in a bank there. Al's son, Robert Lethrud, and his wife live about 30 miles away in Philomath.

2. Locate and interview the following for any data on Al's criminal background, drug history, record of arrests, former employment, perversions (NB: not all people will have data on each point but get whatever each gives you and go for documentation where at all possible):

- a. Former neighbors
- b. Employer and fellow workers in the bank (if still around)
- c. local Lutheran church's pastor
- d. local police and court house for any arrest records, etc.
- e. any leads given out by these people.

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(LIBBY/LESLIE, MONTANA AREA:

From 1967 to 1978, the Halls lived in Eureka, Montana, after which time, they moved to Libby, where they currently live. Thus, most data of interest on AL may be here. A previous mission to Libby found it tough going due to the smallness of the community and short cross lines. This must be taken into consideration so all necessary strings do get pulled without alarming any of the local folks.

1. Contact Phil and Farrell LeClairre and interview them for data and leads to people unfriendly to AL.

WEST SEC BUIS

4. Interview the LeClairres for data on Farrell's cousin who was sent to a mental hospital due to suppression from Alvin and had business deals with them which reportedly cost \$28,000. Get full affidavits from them on AL's criminality.

WEST SEC BUIS

5. Make arrangements to interview the husband of this cousin for his data on the sc case and get affidavits from him on AL's criminality.

WEST SEC BUIS

6. Get any reports which Phil LeClairre may have gotten from the private investigator he hired and see where this cycle stands regarding AL's shady business deals.

WEST SEC BUIS

7. C/S Phil on the private investigator cycle if it looks fruitful and of use to you.

WEST SEC BUIS

8. Interview the names gotten in target 5 for data on AL's criminal background, drug history, record of arrests, former employment, perversions and get affidavits wherever possible. Also get any leads from these people to others who would likely have more data.

WEST SEC BUIS

9. Check the court house - criminal docket - for any records of arrests of AL.

WEST SEC BUIS

10. Check suitably with local police re any data they may have on AL's record or criminal background.

WEST SEC BUIS

11. Talk with the local Lutheran pastor about AL and see what he has to say that would be of interest to you.

WEST SEC BUIS

12. AL's financial status must be determined. There are several contrary facts regarding the Halls' financial standings over the years which need to get sorted out as it is this area which may lend itself to more crimes, etc. (In about 1975, Julie reported that AL and husband were hard-pressed for money and don't want her to do Scientology as they won't get Social Security benefits for her unless she goes to college. In 1975, also, AL gives Ted Patrick \$2,000 for the failed deprogramming of Julie. In about January, 1978, AL was not "hard-pressed" for money. During the court case in 1979, AL says she "may not have" reported the fee she received for a deprogramming done in Pennsylvania (\$450). Attorney Powers says the fees for the case so far, as of July 1979, are \$135,522. In March 1978, AL said the Marks case against her would cost a lot of money and she had a lot of attention on it. Her husband had retired but he had to go back to work because they needed the money to fight the suit. Unrelated and unverified report was that she had probably misappropriated funds from a trust fund which she administers and she and her husband bilked about \$26,000 out of the LeClairres in a business deal.)

WEST SEC BUIS

EXHIBIT

PAGE

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PRODUCTION TYPERS TO BE SET ON MISSION ORDERS IN COORDINATION WITH JUDGE

CIC SET THIS

15. Ensure this data is filled according to 1113-1.

WEST SET THIS

16. As this data comes in, ensure the strings are fully filled, the needed documents are filed and the necessary is given all data which is needed to be done.

17. A CAS is checking the phone numbers called by all which she has obtained as departmental contacts. Let this be completed and check these numbers for leads to interview others.

WEST SET THIS

- 2 -

The intention is to see these people in prison or out on bail at the time of the appeal.

It is certain that in other deprogrammings the deprogrammers named below have participated in any damages or losses or awards resulting from their deprogramming. It would be almost impossible for this act to have occurred. It will be used as conclusive evidence that they are in the business to make money and to shake people down!

SI VV need to liaise with Legal throughout to ensure data gotten is legally useable and what is wanted. If it is not possible for SI GAses to provide legally useable data then private investigators may need to be employed and financial arrangements made - but whatever the case is, the data is to be gotten very rapidly in fully useable form.

1. The criminal background, drug history, record of arrests, former employment, perversions of: a) Ted Patrick; 2) Reid Heller; 3) Pastor Gary Burke; 4) Alma Hall; and 5) Julie Hall, AKA Julie Christoffersen, AKA Julie Titchbourne. (Programme is to be done for each).

---

DG I US

US Sec SI VV

2. The establishment and documentation of any and all connections between Alma Hall or Julie Hall and one or all the names above. a) currently, and b) prior to July 13, 1973. (Programme to be done).

---

DG I US

US Sec SI VV

3. Obtain all evidences of implantation, hypnotism or coercion or compulsion of the above named person in other sectors to establish that they are capable of using hypnotism and implantation to effect the execution of their desires. (Programme to be done).

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DG I US

US Sec SI VV



- 3 -

4. Establish any and all agreements of participation in suit awards amongst any of the above named persons. (Project to be done).

---

DG I US  
US Sec 81 TV

5. All this evidence is to be assembled with an eye to establishing that Julie Hall was probably a drug addict, probably has a large and extensive criminal background and record and has been party to other collusions and swindles or crimes or felonies possibly from her earliest history. (Programme to be done).

---

DG I US  
LR TV, AGL DC  
US Sec 81 TV

6. We also want the similar background obtained on Alma Hall. (Programme to be done).

---

DG I US  
LR TV, AGL DC  
US Sec 81 TV

8401 3241

CONTOS & BUNCH  
LAWYERS

8888 TOPANGA CANYON BOULEVARD  
SUITE 400  
WOODLAND HILLS, CALIFORNIA 91367-4004  
(818) 710-0400

MANUFACTURERS BANK BUILDING  
1801 DOVE STREET  
PENTHOUSE  
NEWPORT BEACH, CALIFORNIA 92660-1801  
(714) 782-0488

November 9, 1984

REPLY TO Woodland Hills

John G. Peterson  
PETERSON & BRYNAN  
Suite 407  
8530 Wilshire Boulevard  
Beverly Hills, CA 90211

Charlotte Ashmun  
OVERLAND, BERKE, WESLEY, GITS,  
RANDOLPH & LEVANAS  
Suite 300  
10951 West Pico Boulevard  
Los Angeles, CA 90064

Re: Church of Scientology of California v.  
Armstrong, Case No. C 420 153

Dear Mr. Peterson and Ms. Ashmun:

I have been advised by my client, Gerald Armstrong, that an olive-colored briefcase was taken from the locked trunk of his car on November 8, 1984, sometime between the hours of 2:30 and 3:30 p.m. At that time, Mr. Armstrong's car was parked in the underground garage of the Los Angeles Mall. The briefcase contained an original handwritten manuscript and artwork of approximately 350 pages, as well as a number of other papers. The manuscript is comprised of a series of letters written to L. Ron Hubbard in care of the law firm of Lenske, Lenske, Heller and Magasin. The letters were written on Old Country Tree Bond, 100% cotton fibre paper.

The manuscript has inestimable value to Mr. Armstrong. Its loss has placed him in shock and emotional upheaval.

Just prior to his arrival at the Los Angeles Mall, Mr. Armstrong was followed by three individuals, one of whom he recognized as a member of your client. The three individuals drove up alongside Mr. Armstrong at the Vermont offramp of the Hollywood Freeway and took photographs of him

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John G. Peterson  
Charlotte Ashmun  
November 9, 1984  
Page 2

as he sat in his car. This occurred at approximately  
2:15 p.m. on November 8, 1984.

This letter will serve as a demand for the return of  
Mr. Armstrong's briefcase, manuscript and papers and will  
further serve as a request that the photographs and negatives  
taken of Mr. Armstrong be sent to me.

Very truly yours,

CONTOS & BUNCH



JULIA DRAGOJEVIC

JD:lh

cc: Larry Heller - Lenske, Lenske, Heller & Magasin  
Gerald Armstrong ✓

JD1:19

PETERSON & BRYNAN

ATTORNEYS AT LAW

8830 WILSHIRE BOULEVARD, SUITE 407

BEVERLY HILLS, CALIFORNIA 90211

(213) 950-0065

JOHN G. PETERSON  
M. JEFFREY BRYNAN

November 30, 1984

Julia Dragojevic, Esq.  
Contos & Bunch  
5855 Topanga Canyon Blvd.  
Suite 400  
Woodland Hills, CA 91367

Re: CSC v. Armstrong

Dear Ms. Dragojevic,

I am in receipt of your letter dated November 8, 1984 regarding your client's alleged missing briefcase. I do not understand why you wrote to me. My client has no knowledge regarding this alleged stolen briefcase and documents. Isn't it ironic that Gerry, found to be a thief of documents, now has the audacity to intimate that my client might be involved in a theft of his documents?

It appears that Gerry was visiting the FBI or IRS. Since they are well known for their "break-ins," black-bag jobs" and other such activities, maybe you should write them one of your insipid letters. They were thought to be breaking into autos at the Church and of Church members earlier this year. When this was brought to their attention the auto "break-ins" stopped immediately.

I find your letter disturbing. I had hoped that there was someone at your office who had the good sense not to believe every ridiculous and unsupported and weird claim dreamed up by Gerry or Mike Flynn. It seems as if I was wrong and there is no rational clear thinking point of control. It reminds me of the saying about "the inmates are running the asylum."

I suppose if Gerry goes down to Wimpy Burger and gets ptomaine, you will write us a letter accusing us of poisoning him. I hope Gerry has good tires on his car; heaven forbid he should get a flat tire or you will write another letter claiming harassment. Paranoia seems to know no bounds. Gimme a break! Be serious and get professional. By the way, did he file a police report? If so, either provide me a copy or let me know where it was filed.

If Gerry is so "terrified" by the Church, why was he cruising around the Church? Is he harassing the Church?

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PETERSON & BRYNAN  
ATTORNEYS AT LAW

Page Two of Two

In the future, do not bother me with these insane  
unsupported accusations unless you have some reasonable  
basis or some facts.

Sincerely,

*John Peterson*  
John G. Peterson

JGP:mfh



IRA REINER, DISTRICT ATTORNEY

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF LOS ANGELES  
SPECIAL INVESTIGATIONS DIVISION  
16000 CRIMINAL COURTS BUILDING  
210 WEST TEMPLE STREET  
LOS ANGELES, CALIFORNIA 90012 - 3275  
(213) 974-7437

April 25, 1986

Rev. Ken Hoden  
Rev. Kathleen Gorgon  
Rev. Heber Jentzsch  
Mr. John Peterson  
Mr. David Butterworth  
Church of Scientology  
1301 N. Catalina  
Los Angeles, California 90012

Gentlemen:

In re S.I.D. CASE NO. C85-0054

In your letters dated May 1 and July 19, 1985, you asked that this office investigate your allegations that:

1. Chief Daryl Gates of the Los Angeles Police Department, Agents Al Lipkin and Al Ristuccia of the Internal Revenue Service, Gerald Armstrong, and Michael Flynn have committed the crime of conspiracy to obstruct justice.
2. Internal Revenue Service Agents Al Lipkin and Al Ristuccia additionally "aided and directed" the commission by Gerald Armstrong of violations of Penal Code Sections 182 (Conspiracy), 134 (Preparing False Evidence), and 653f (Solicitation of the commission of certain crimes).
3. Gerald Armstrong additionally prepared false documentary evidence in violation of Penal Code Section 134; committed extortion in violation of Penal Code Section 518; and solicited commission of the crimes of burglary, receiving stolen property, and forgery, in violation of Penal Code Section 653f.

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Rev. Ken Hoden, et al.  
April 25, 1986  
Page Two

4. Michael Flynn additionally aided Gerald Armstrong in his violations of Penal Code Section 182, conspiracy, and Penal Code Section 653f, solicitation of burglary, receiving stolen property, and forgery.

Following his receipt of your letters, Steven A. Sowders, Head of the Special Investigations Division, met personally with Rev. Jentzsch and Rev. Hoden to discuss your complaint. I have since reviewed the voluminous materials you submitted in support of your charges, and I have spoken at length on the telephone and in person with church members John Peterson and David Butterworth. In our several conversations, I informed both Mr. Butterworth and Mr. Peterson that in order intelligently to evaluate the Church of Scientology's allegations, I would need further information. In addition to the documents already provided, I asked them to provide me with:

- (1) A complete description of the events to which the submitted documents relate, including:
  - (a) the time, date, and place of each event;
  - (b) the names of all persons present;
  - (c) the circumstances in which the event occurred;
  - (d) the name of each speaker and identifying information about him.
- (2) A description of the manner in which the recording or other source information was obtained.
- (3) A statement from the person who obtained the recording or other data, identifying him, describing the manner in which he obtained it, and setting forth the manner in which he could authenticate any recording and any transcript involve
- (4) An explanation of the relevance of the conversations and other materials cited to the allegations of criminal conduct

I further requested that they furnish any other evidence they might have in support of the Church of Scientology's allegation. I particularly requested documentation setting forth the specific facts in support of the allegations recited above. I asked that they provide the date, time, and place of each alleged event, the name, address, and telephone number of each witness.



Rev. Ken Hoden, et al.  
April 25, 1986  
Page Three

In response, I received from Mr. John Peterson a letter dated September 27, 1985, which letter I discussed on October 3, 1985, with Mr. Butterworth. Thereafter, following many attempts on my part to schedule a meeting with either Mr. Peterson or Mr. Butterworth or both of them, on December 10, 1985, they came to my office and conferred with Investigator Alan Tomich and me.

In that meeting, I reiterated my need to know the date, time, and place of each alleged event, and the name, address, and telephone number of each witness. I further asked whether the Church of Scientology had any additional evidence in support of its allegations. Messrs. Peterson and Butterworth responded that they had submitted to this office all the evidence that they had.

I explained to them that, in order to decide whether a prosecutable crime had been committed, we had to interview those persons who had observed the events that were alleged to constitute the criminal conduct; and that in order to interview those persons we needed to know who they were and where we could find them. In response, Mr. Peterson repeated the suggestion he made in his letter of September 27, 1985, that we interview Eugene Ingram, who had videotaped certain events which, Mr. Peterson said, were the basis of his allegations. He declined, however, to identify, beyond the name "Joey," the persons other than Gerald Armstrong who appear on the tapes.

It was my understanding that Messrs. Peterson and Butterworth intended to review the matter and that they would subsequently forward the requested witness information to me. Their response was a letter dated December 15, 1985, which contained a witness list comprised of the names of the persons the Church of Scientology has accused plus another I.R.S. agent and two police officers. He furnished no further information.

I responded to Mr. Peterson in a letter dated January 16, 1986, in which I summarized our December 10 meeting. In it, I also asked Mr. Peterson to permit Investigator Tomich to interview Mr. Eugene Ingram (whom Mr. Peterson, as an attorney, apparently represents), and I again requested that Mr. Peterson supply us with the information outlined above.

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Rev. Ken Hoden, et al.  
April 25, 1986  
Page Four

In response, I received from Mr. Peterson a letter dated March 18, 1986. In it, he denied that he and Mr. Butterworth had intended, after the December 10 meeting, to provide further information, and he declared that we had received all the data he felt we needed.

It appears, then, that no further evidence in support of your allegations is forthcoming; and based on Mr. Peterson's statement on December 10, 1985, that I had understood and accurately summarized the evidence the Church of Scientology had submitted, it appears that the assertions of fact described below constitute in its entirety the evidence in support of your allegations of criminal conduct.

Allegation 1:

That Chief Daryl Gates conspired to obstruct justice.

Evidence:

The allegation of "planting a 'wire tap' on Michael Flynn" was referred to Chief Gates<sup>1</sup> by Assistant City Attorney Lewis N. Unger on April 17, 1985.<sup>2</sup> On April 23, 1985, Chief Gates publicly rebuked Officer Phillip Rodriguez and Investigator Eugene Ingram for video taping Gerald Armstrong. Within hours, Investigators Lipkin and Ristuccia were seen, apparently by Rev. Heber Jentzsch,<sup>3</sup> leaving Parker Center. There has allegedly been no effort to do anything about "Mr. Armstrong's crimes."<sup>4</sup> Chief Gates also initiated an investigation "into the police officer and private investigator" (July 19 letter, p. 6).

Allegation 2:

That Internal Revenue Service Agents Al Lipkin and Al Ristuccia conspired with Gates, Armstrong, and Flynn to obstruct justice and that they "aided and directed" Gerald Armstrong in the commission of violations of Penal Code Sections 182, 134, and 653.

Evidence:

John G. Peterson declared under penalty of perjury<sup>5</sup> that "Armstrong showed he was being used by the Internal Revenue Service to gather information." In support of that declaration, Mr. Peterson included "excerpts from the videotape" which indicated that "GA" mentioned Al Ristuccia and gave Al Lipkin's telephone number to "J".



Rev. Ken Hoden, et al.  
April 25, 1986  
Page Five

Agents Lipkin and Ristuccia visited Officer Phillip Rodriguez and allegedly attempted to "strong arm" him. Agents Lipkin and Ristuccia stated that, on April 18, 1985, they interviewed Rodriguez, who admitted signing an authorization letter. The agents considered Rodriguez evasive and sought police assistance in obtaining his cooperation. The agents were seen leaving Parker Center on April 23, 1985.<sup>6</sup>

Armstrong told "J" that he had told Lipkin some people might want to talk to him, and that he had told Lipkin to go after Peterson.

Allegation 3:

That Gerald Armstrong conspired with Michael Flynnn, Daryl Gates, Al Lipkin, and Al Ristuccia to obstruct justice; prepared false documentary evidence; committed extortion; and solicited the commission of the crimes of burglary (Penal Code Section 459), receiving stolen property (Penal Code Section 496), and forgery (Penal Code Section 470), in violation of Penal Code Section 653f.

Evidence:

John Peterson declared that Armstrong conspired with a "church... staff member," was "used by...the Internal Revenue Service to gather information," "explained to the conspirators plans for attacking the church...and...Hubbard," and had a videotaped conversation with "J" which demonstrates his involvement with the government.

"GA" told "J" to type the completed staff work on the policy and bring it in, that "issues can be created," but he was "not really saying create incrimination (sic) evidence...but just to write about the speculation." He also said, "They can never tell where the issue came from." He wanted the lawsuits to end so that he could get his "global settlement."<sup>10</sup>

Armstrong told "J" about a "good-looker" named Carol. He said "the way to the man's mind is through his cock" and "that's definitely the way to get to the top." He wrote a note which reads in part, "Establish available route for holding the cock of someone in ASI/WDC/etc."<sup>11</sup>



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Page Six

Armstrong allegedly wrote and handed over to someone on November 9, 1984, a "shopping list" of information which he asked a "church member to purloin." "GA" told "J" "something should be done so that they can capitalize on getting stuff...into writing and...unstabilizing the whole PI, attorney apparatus." He asked if "J" could get money to Peterson and told "J" to check the finance records. He said, "if we can get anything on Ingram (or) Peterson (or) finance records (or) other PI's (or) operation 'X'..., it's all vital."

Armstrong asked for specifics on payments to Ingram, and told "J" he should find what payments went to attorneys.

The handwritten list read in part, "1. Plan on Van Schaick...4. Anything on Hubbard or Don/ 5. Anything on upcoming legal battle... 8. Get me an original of an LRH Ed (current) or other issue type which could be from Hubbard. 8a. Same for WDC. Create one, get it distributed and get an assessment. Any partial that gives UP or ORG."<sup>12</sup>

He also told "J" he had given one "fanatic" document "to the Feds" and was giving them another.<sup>13</sup>

Armstrong told "J" on November 9, 1984, that he could type "things and duplicate them and make them look exactly the same" and that "we could set up a press and...produce issues...." He thought, "shouldn't I get some I HELP materials (?)". He wanted to know "how they're run off, what the type face is like..., - because we can simply create these;... - I can create documents with relative ease...."

"J" suggested changing some documents. "GA" responded that "a lot of things can be done", but he did not propose to "be stuffing things into their comm basket." He later commented that something could be pasted and photocopied.<sup>14</sup>

#### Allegation 4:

That Michael Flynn conspired to obstruct justice, and aided Gerald Armstrong in the crimes of conspiracy (Penal Code Section 182) and solicitation of burglary, receiving stolen property, and forgery (Penal Code Section 653f).

Rev. Ken Hoden, et al.  
April 25, 1986  
Page Seven

Evidence:

In April, 1985, Flynn contacted the United States Attorney in Boston, the Internal Revenue Service, and the Los Angeles Police Department. Flynn's attorney, Raul Martinez then made allegedly false accusations of wire tapping.

Flynn told the Los Angeles Police Department that "Cooley" had had a video recording and a letter signed by Officer Rodriguez authorizing such a recording. By letter, Attorney Raul Martinez, representing Mr. Flynn, asked the City Attorney to investigate. The City Attorney forwarded the letter to Chief Gates.<sup>15</sup>

John Peterson declared under penalty of perjury that evidence indicated that Michael Flynn was directing Gerald Armstrong in order to steal documents, plot forgeries, steal legal strategies, implement a plot to seduce and blackmail a Scientologist, and conspire to suborn perjury.<sup>16</sup>

The "Van Schaick" case, referred to in Armstrong's "shopping list", was settled by Attorney Flynn.<sup>17</sup>

\* \* \*

As Mr. Peterson has noted, I have spent a considerable amount of time reviewing and comprehending the materials you have submitted to this office. For the reasons set forth below, I do not find that those materials contain sufficient evidence of the commission of any of the alleged crimes to justify the further investigation of those allegations.

At the outset, I should like to point out the following regarding Mr. Peterson's letter dated September 27, 1985 and my subsequent communications with him. 1) Mr. Peterson told me that "the interviews took place in Griffith Park during... November, 1984." He has not otherwise responded to my request for a complete description of the events to which the documents related, including times, dates, places, names, circumstances, and identifying information. (See Request #1, above.)

2) Mr. Peterson told me that "tapes are not in dispute" and that details of the taping should be sought from Gene Ingram.

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April 25, 1986  
Page Eight

But when Investigator Tomich sought to follow his advice, Mr. Peterson asserted he was Mr. Ingram's attorney, and he refused to permit Investigator Tomich to interview him.

In his letter of March 18, 1986, Mr. Peterson refused further to respond to my requests for a description of the manner in which recordings and other source information were obtained; and for a statement from the person who obtained the information (some of it apparently recorded, some of it apparently from other sources) identifying that person and describing the acquisition of the information, documents, or tape, and the manner in which it could be authenticated (proved to be what it purports to be). (See Requests Nos. 2 and 3, above.)

3) He submitted "data on the background of Jerry Armstrong" and the other documents referred to in the footnotes to this letter, in which he highlighted those portions he considered relevant to the allegations. He has not otherwise explained the relevance of the submitted materials to the allegations of criminal conduct. (See Request #4, above.)

4) He told me that the individuals speaking on the video tapes are "responsible witnesses who can be produced if necessary." Beyond submitting a list of the names of the persons you have accused and three of their associates, he has not otherwise responded to my requests that he document the specific facts which prove the commission of the crimes alleged, including the particular details about each event and the names, addresses, and telephone numbers of the witnesses (See the paragraph following request #4, above).

\* \* \*

A conspiracy to obstruct justice is an agreement between two or more persons to do an act or omit to do an act, as the result of which justice or the due administration of the laws is obstructed or perverted. To convict a person of that crime the prosecution must prove that he made such an agreement with the specific intent to commit or omit the necessary act and that, while he was a member of the conspiracy, he or a co-conspirator committed an overt act in furtherance of the object within the prosecuting jurisdiction (in our case, Los Angeles County).

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April 25, 1986  
Page Nine

Assuming that the factual allegations are true, and that Daryl Gates did receive from Michael Flynn a wiretapping complaint; did rebuke Officer Rodriguez and Investigator Ingram; and did initiate an investigation into possible criminal conduct by Rodriguez and Ingram; that Gerald Armstrong did have the above-described conversations with "Joey"<sup>18</sup> about Al Lipkin and Al Ristuccia; that Lipkin and Ristuccia did interview Rodriguez, did consider him evasive, did seek Los Angeles Police Department assistance in obtaining Rodriguez's cooperation, and did visit Parker Center on April 23, 1985; that Armstrong told "Joey" to type staff work in order to create issues and that he did all the other things alleged (talked to "Joey" about "Carol," told "Joey" that "they" should destabilize the "PI, attorney apparatus," told "Joey" to check financial records, wrote and delivered the "shopping list," and gave documents "to the Feds") and that Michael Flynn both personally and through his attorney contacted the United States Attorney, the Internal Revenue Service, and the Los Angeles Police Department to complain about the tape recording, the actions of Officer Rodriguez, and other matters; and that he settled the "Van Schaick" case; we are unable to find in any of those allegations any evidence which would support an allegation that Chief Gates, Agent Lipkin, Agent Ristuccia, Mr. Armstrong, or Attorney Flynn agreed with anyone to commit or omit any act which might pervert or obstruct justice or the due administration of the laws.

No factual details (time, place circumstances, names of witnesses, etc.) have been submitted to support many of the conclusions that have been alleged. Thus there is no evidence that "there has been no effort to do anything about" crimes allegedly committed by Mr. Armstrong; that the Internal Revenue Service Agents attempted to "strongarm" Officer Rodriguez; that Mr. Armstrong conspired with a church staff member and explained to the conspirators his plans for attacking the church and Mr. Hubbard; that Mr. Armstrong wrote a "shopping list" of information and asked someone to "purloin" it; or that Michael Flynn made false accusations of wiretapping.

Therefore, the evidence of which we have been apprised of a conspiracy to obstruct justice is insufficient to warrant further investigation by this office.

To convict a person of the crime of preparation of false documentary evidence, the prosecution must prove that he in fact

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Rev. Ken Hoden, et al.  
April 25, 1986  
Page Ten

made the document, that it was false, and that he intended it to be produced as true for a deceitful purpose in a proceeding authorized by law.

Even assuming that it can be proved by competent, admissible evidence that Gerald Armstrong told "Joey" to type staff work and that "issues can be created," that "they can never tell where the issue came from," and that he wanted the lawsuits to end so that he could get his "global settlement"; that Armstrong wrote and gave to someone the "shopping list"; that he told "Joey" he wanted to get "stuff...into writing" and to "unstabliz(e)" the "apparatus"; that he said getting records was "vital"; that he said he could type and duplicate things and create documents and set up a press and produce issues, that he wanted to know about a type face, that a lot of things could be done and that something could be pasted and photocopied; none of this, taken alone, constitutes evidence that Mr. Armstrong in fact created a single false document or that he intended that such a document be produced for any purpose in any legal proceeding.

Further, in the documents submitted to us, Mr. Armstrong is quoted as stating that he was not advocating the creation of incriminating evidence and that he did not propose to "be stuffing things into their comm baskets."

We are aware of no other evidence which might lend criminal significance to the statements of Mr. Armstrong. We can find, therefore, no basis for a further investigation of the allegation that Penal Code Section 134 has been violated.

Extortion (Penal Code Section 518) is the obtaining of property from another with his consent, induced by a wrongful use of force or fear. The fear may be induced by a threat to injure a person or property, or to accuse the victim or a relative of crime, or to impute to any of them a deformity, disgrace, or crime, or to expose a secret affecting any of them. Penal Code Section 524 makes it a felony to attempt to commit extortion.

Assuming that it can be proved that Gerald Armstrong expressed the views alleged regarding the "way to the man's mind" and that he wrote the note referring to "ASI" and "WDC", that does not appear to us to be evidence that he or anyone obtained or



Rev. Ken Hoden, et al.  
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attempted to obtain property from anyone by means of any threat. We therefore find no basis for further investigation of the allegation that Gerald Armstrong committed extortion.

The solicitation of another person to commit or join in the commission of burglary, receiving stolen property, or forgery is a felony, the proof of whose commission requires the testimony of two witnesses or of one witness plus evidence of corroborating circumstances. To convict a person of solicitation, the prosecution must prove that he asked another person to commit a crime with the specific intent that it be committed.

The solicitation of burglary requires a request that one enter a building or other specific place (See Penal Code Section 459) intending to commit larceny or a felony; the solicitation of receiving stolen property requires a request that one receive property that one knows has been stolen; the solicitation of forgery, a request that one, with the intent to defraud, sign without authority another's name or counterfeit his handwriting, or make any of the false documents specified in Penal Code Section 470, or knowingly utter such falsified document, signature, or handwriting.

Assuming that the allegations are true that Gerald Armstrong told "Joey" to type staff work, that "issues can be created." that "something should be done so that they can capitalize on getting stuff...into writing," that "if we can get anything on Ingram (or) Peterson (or) finance records..., it's all vital," and that "Joey" should find what payments went to attorneys; and, further assuming it to be true that Armstrong gave "Joey" a list which specified "plan" or "anything" "on" certain matters and stated "get me an original...issue type"; that he told "Joey" he had given and would give documents "to the Feds," that he could duplicate things and create documents, and that something could be pasted and photocopied; these allegations nonetheless do not constitute evidence that Mr. Armstrong, with the requisite intent, asked anyone to commit the crime of burglary, receiving stolen property, or forgery. We therefore find no basis for further investigation of the allegation that Gerald Armstrong violated Penal Code section 653f.

A person aids and abets the commission of a crime if, with knowledge of the perpetrator's unlawful purpose and with the intent to encourage or facilitate the commission of the crime, he aids, promotes, or instigates its commission.



Rev. Ken Hoden, et al.  
April 25, 1986  
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The documents submitted to us indicate that Gerald Armstrong gave "Joey" Al Lipkin's telephone number, that he told "Joey" that he had told Lipkin some people might want to talk to him, that he told "Joey" that he had told Lipkin to go after Peterson, and that he mentioned Al Ristuccia to "Joey". The allegations regarding Michael Flynn are described above.

None of those allegations is itself evidence of any unlawful connection between those men and Mr. Armstrong. Further, since we have been presented with no significant evidence of any unlawful conduct on the part of Mr. Armstrong, we do not find that there is sufficient evidence to warrant further investigation of the allegations that Al Lipkin, Al Ristuccia, or Michael Flynn aided and abetted the commission of any crime.

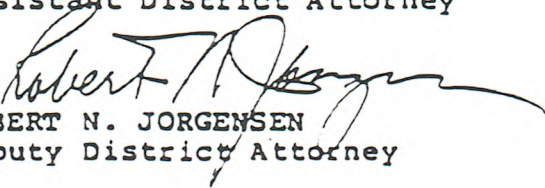
In addition to the lack of evidence set forth above, it must also be noted that, lacking knowledge of the manner in which the video tape recordings were obtained, we do not know whether their acquisition violated either United States or California law. If it violated federal law, material thus acquired even if relevant - which it does not appear to be - might be inadmissible in evidence.

For all of the reasons described above, we have concluded that there is no evidence in support of the allegations of criminal conduct on the part of Daryl Gates, Al Lipkin, Al Ristuccia, Gerald Armstrong, and Michael Flynn. Accordingly, we shall take no further action in this matter, and our file is closed.

Very truly yours,

IRA REINER  
District Attorney

CURT LIVESAY  
Assistant District Attorney

BY   
ROBERT N. JORGENSEN  
Deputy District Attorney

jeb

c: Chief Daryl Gates, L.A.P.D.  
Ron Townsend, I.R.S.  
Al Lipkin, I.R.S.  
Al Ristuccia, I.R.S.  
Gerald Armstrong

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FOOTNOTES

1. This is set forth in a document entitled "6. Obstruction of Justice".
2. See Exhibit 7 attached to "6. Obstruction of Justice."
3. See Exhibit 11 attached to "6. Obstruction of Justice."
4. See Number 1, above.
5. See document entitled "5. Conspiracy."
6. See Number 1, above.
7. See document entitled "2. Soliciting... ."
8. See document entitled "1. Soliciting... ."
9. See Number 5, above.
10. See document entitled "4. Preparation of False Documentary Evidence."
11. See document entitled "3. Extortion."
12. See document entitled "1. Soliciting... ."
13. See Exhibit 1 page 16.
14. See document entitled "2. Soliciting... ."
15. See Number 1, above.
16. See Number 5, above.
17. See Number 8, above.
18. During our December 10 meeting, Messrs. Peterson and Butterworth identified "J" as "Joey".

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CERTIFIED COPY

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

CHURCH OF SCIENTOLOGY OF  
CALIFORNIA, INC., a California  
Corporation,

Plaintiff,

vs.

DAVID JORDAN, LAW OFFICES OF EBERLE &  
JORDAN, DOES 1 through 10,  
inclusive,

Defendants.

No. C 538 049

DEPOSITION OF CYNTHIA MORROW, a witness herein, taken  
by the Defendants David Jordan and Law Offices of  
Eberle & Jordan, at 201 Santa Monica Boulevard, Santa  
Monica, California, at 9:30 a.m., Tuesday, October 29,  
1985, before Andrea P. Jeanmenne, CSR 6397, RPR, CP  
and Notary Public.

INDEX

Hutchings Number: OLA-5656-85

CYNTIA MORROW

DEPOSITION BY:



RENDEL B HUTCHINGS CSR 649  
Certified Shorthand Reporter

1416 North Figueroa Street, Los Angeles, California 90015, 214-2141

EXHIBIT 10 PAGE 145

LOS ANGELES  
(213) 223-1191

SAN CLEMENTE  
(714) 972-9109

SANTA ANA  
(714) 972-9109

SAN DIEGO  
(619) 268-8246

SAN BERNARDINO  
(714) 381-3846

272  
SANTA MONICA  
(213) 223-1191

1 your best recollection and a wild guess?

2 A. Yes.

3 Q. Okay.

4 Do you know of any reason why you cannot give your  
5 best testimony today?

6 A. No.

7 Q. Have you taken anything of an alcoholic nature  
8 during the past 12 hours?

9 A. No.

10 Q. Are you currently taking any medication  
11 prescribed by a doctor?

12 A. No.

13 Q. Have you taken anything of a narcotic or  
14 medication during the past 12 hours?

15 A. No.

16 Q. Do you have any questions before we begin?

17 A. No.

18 Q. Before coming here today, did you have an  
19 opportunity to speak to Mr. Peterson or an attorney with the  
20 church regarding the deposition procedure?

21 A. Yes.

22 Q. Do you feel comfortable with proceeding at this  
23 time?

24 A. Yes.

25 Q. My understanding is that you have been  
26 designated by the church as a managing agent of the Church of  
27 Scientology of California. Is that also your understanding?

28 A. Yes.



1 Q. Do you presently have an official title in the  
2 church? When I say "church," I am referring to only the  
3 Church of Scientology of California, not to any other church.  
4 Do you understand that?

5 A. Yes.

6 Q. Do you hold any titles in the Church of  
7 Scientology of California?

8 A. Corporate titles?

9 Q. Any title whatsoever?

10 A. I hold the legal division secretary title.

11 Q. Legal division secretary?

12 A. Uh-huh.

13 Q. Is that "Yes"?

14 A. Yes.

15 Q. A few other ground rules. The court reporter  
16 can only take down the spoken word. She cannot take down  
17 nods of the head, "Uh-huh," "Huh-uh," mutterings. So as the  
18 deposition progresses and you get tired and I get tired, if I  
19 ask you to speak audibly, don't be offended. I am just  
20 reminding you that we have to have a record and the court  
21 reporter has to have a verbal response. Okay?

22 A. Okay.

23 Q. So your title is legal division secretary?

24 A. Yes.

25 Q. How long have you had that title?

26 A. Since the end of May.

27 Q. 1985?

28 A. Yes.

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

No. C 538 049

DEPOSITION OF CYNTHIA MORROW, a witness herein, taken by defendants, at 201 Santa Monica Boulevard, Santa Monica, California, at 10:00 a.m., Wednesday, October 30, 1985, before Andrea P. Jeanmenne, CSR 6397, RPR, CP and Notary Public.



EXHIBIT 2 PAGE 148

**SANTA MONICA**  
(213) 223-1191



1 Q. Who held that position in 1974?

2 A. Well, that refers to the LRH Communicator  
3 Continental. There would only have been one.

4 Q. Who would that have been in 1974?

5 A. I don't know.

6 Q. Below that it says, capital K, capital O,  
7 capital T, Continental Hats.

8 A. Yes, that is Keeper of Tech. Continental.

9 Q. Was that a business within CSC in 1974?

10 A. Yes.

11 Q. In 1974 how many organizations were there in  
12 CSC?

13 A. Service organizations that I am aware of, there  
14 was the Flag Service Organization, San Francisco, Los  
15 Angeles, ASHO, AO.

16 Q. Any other organizations?

17 A. Quite a few.

18 Q. What other organizations?

19 A. Continental Liaison Office, which at that time  
20 was known as FOLO. There was Continental Guardian's Office  
21 and several smaller Guardian's offices.

22 Q. Now, those would be referred to as nonservice  
23 organizations?

24 A. Yes.

25 Q. Okay.

26 What is, differentiates service organization from  
27 nonservice organization?

28 A. A service organization deals with the general

1 public.

2 Q. General public would be nonparishioners?

3 A. Correct -- no. No, parishioners.

4 Q. Service organization would deal with  
5 parishioners and nonservice organization would deal with  
6 general public?

7 A. No the nonservice organizations would either  
8 deal with the management of the churches or with the handling  
9 of finance, legal, public relations matters.

10 Q. Okay.

11 And how long was organizations that you referred to in  
12 1974 stay a part of CSC?

13 A. Up until 1981.

14 Q. In 1981 what organizations were there in CSC?

15 A. Were in --

16 Q. How many organizations were there in CSC in  
17 1981?

18 A. At the end of 1981?

19 Q. Right.

20 A. There was ASHO, AO, the CLO, the United States  
21 Guardian's office, the Commodore's Messenger Organization  
22 pack, and the Estates Organization.

23 Q. Estates?

24 A. Estates.

25 Q. What is that organization? EXHIBIT 12 PAGE 150

26 A. It is currently called Pack Base Crew. At that  
27 time it was called the Cedars -- Well, it wasn't even called  
28 Cedars -- Well, yes, in '81, it was called the Cedars Estates



1 Service Organization.

2 Q. What did it do?

3 A. It services the staff that live at the church  
4 that services the buildings.

5 Q. What organizations presently exist in 1985 in  
6 CSC, as of today's date?

7 A. The Office of Special Affairs United States.  
8 That's all.

9 Q. That's the only organization that is left in CSC  
10 as of this date?

11 A. Correct.

12 Q. That has been true for the past 5 months?

13 A. Correct.

14 Q. Referring to Page E-2, it refers to  
15 administrative charge in making a claim.

16 Does that administrative charge apply to a refund  
17 claim as well as a repayment claim?

18 A. I believe so.

19 Q. And what is the administrative charge?

20 A. It was a small charge for the time spent on  
21 verifying a claim.

22 Q. At the present time if somebody wanted to seek  
23 return of donations which they made to -- Strike that.

24 Since ASHO was no longer part of CSC, if somebody had  
25 money on account at ASHO, as of 5 months ago, would that  
26 money be with CSC or would that money go to the Church of  
27 Scientology of Western United States?

28 A. CSC would handle any claim.

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

JULIE CHRISTOFFERSON TITCHBOURNE, )

Plaintiff, )

vs. )

No. A7704-C5184

CHURCH OF SCIENTOLOGY, MISSION )  
OF DAVIS, a non-profit California )  
corporation, doing business in )  
Oregon; CHURCH OF SCIENTOLOGY )  
OF CALIFORNIA, a California )  
corporation, doing business in )  
Oregon; and L. RON HUBBARD, )

Defendants. )

EXCERPT OF PROCEEDINGS

Volume I - Pages 1935 to 2068  
Testimony of William W. Franks

BE IT REMEMBERED that the above-entitled matter came  
on regularly for hearing before the Honorable Donald H.  
Londer, Judge of the Circuit Court of the County of Multnomah,  
State of Oregon, commencing at the hour of 9:30 a.m., on  
Tuesday, the 19th day of March, 1985.



1 he would take over all of the functions of running the Church.  
2 He would be the head of the church. And I was appointed to  
3 that post.

4 Q. Did your powers include all sections of the Church,  
5 all divisions of the Church?

6 A. Not immediately. There was resistance from the  
7 Guardian's Office for me taking that over even though he had  
8 instructed that I should take it over. But that was resolved  
9 in July of -- very early July, like July 3, 1981, when we took  
10 over the Guardian's Office.

11 Q. What was the first thing you did after becoming the  
12 Executive Director International?

13 A. I began to immediately get onto money as my major  
14 priority. Not only making money, but also making sure that we  
15 were investing. I personally was responsible for an account  
16 of about a hundred fifty million dollars, and that was called  
17 Sea Org Reserves, that was the title of that. And I was  
18 immediately -- The first thing I did was to draw up a program  
19 for investing those reserves in a way that we would make more  
20 money.

21 Q. With respect to the hundred and fifty million  
22 dollars, how did you determine that those were the Sea Org  
23 Reserves?

24 A. Well, that was what was allocated in that particular  
25 fund.

1 MR. COOLEY: On control?

2 THE COURT: Well, more so than the issue of  
3 control. It does have a bearing on control, yeah,  
4 some, but it tends to show the eventual flow of the  
5 money.

6 MR. COOLEY: This chart shows -- the flow  
7 chart has already been went over over my objection.  
8 We now have the income for one week, picked  
9 September of '82, every mission -- apparently every  
10 mission, I don't know, in the United States.

11 MR. WADE: It was western United States,  
12 only.

13 MR. COOLEY: All right. You are right.  
14 Western US. The western US and it has New West US  
15 Missions. He's now asked for the entire income  
16 figure on the theory that ten percent flows up to  
17 the Church of Scientology of California, as I  
18 understand it. I don't believe that that is  
19 admissible as additional evidence in view of what's  
20 already gone in. We have an estimate of the net  
21 worth of Church of Scientology of California already  
22 given by this witness, over my objection, at three  
23 hundred and forty million dollars. Now, it seems to  
24 me --

25 THE COURT: You have another defendant in



GREENBERG & JACKSON

AN ACCOUNTANCY CORPORATION

2950 LOS FELIZ BLVD., SUITE 103

LOS ANGELES, CA 90039

(213) 666-7700

James J. Jackson, C.P.A.  
Sullivan F. Maraden, C.P.A.  
Bradford N. Bernstein, C.P.A.

June 30, 1986

To the Board of Directors  
Church of Scientology of California  
Los Angeles, California 90027

We have compiled the accompanying balance sheet of the Church of Scientology of California as of April 30, 1986, in accordance with standards established by the American Institute of Certified Public Accountants.

A compilation is limited to presenting in the form of a financial statement information that is furnished by management. We have not audited or reviewed the accompanying financial statement and, accordingly, do not express an opinion or any other form of assurance on it.

As is described in Note 4 and Note 5 the Church has various gain and loss contingencies. It is not possible at this time to evaluate the possible effects of such contingencies on its financial position.

*Greenberg & Jackson*

CHURCH OF SCIENTOLOGY OF CALIFORNIA  
BALANCE SHEET  
As of April 30, 1986

ASSETS

CURRENT ASSETS

Cash	\$	3,533,975	
Investments (at lower of cost or market) (Note 3)		8,734,188	
Mortgage Receivable (Note 1)		305,559	
Accrued Interest Receivable		32,043	
		<hr/>	
Total Current Assets			\$ 12,605,765

OTHER ASSETS

Mortgage Receivable (Note 1) (Note 4)	8,691,228	
Certificate of Deposit (Note 4)	2,500,000	
Notes receivable (Note 2)	966,576	
Accrued Interest Receivable	408,654	
	<hr/>	
Total Other Assets		12,566,458

TOTAL ASSETS		\$ 25,172,223
		<hr/>

See Accompanying Notes to Financial Statement  
See Accountants' Compilation Report

01 - 01 - 86 - 100 - 100

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EXHIBIT 10 PAGE 150



CHURCH OF SCIENTOLOGY OF CALIFORNIA  
BALANCE SHEET  
As of April 30, 1986  
(Continued)

LIABILITIES AND NET WORTH

CURRENT LIABILITIES

Notes Payable (Note 3)	\$	4,916,639	
Accounts Payable		1,163,530	
Accrued Interest Payable		424,107	
		<u>          </u>	
Total Current Liabilities			\$ 6,504,276

NET WORTH

18,667,947

TOTAL LIABILITIES AND NET WORTH

\$ 25,172,223  
=====

CHURCH OF SCIENTOLOGY OF CALIFORNIA  
NOTES TO FINANCIAL STATEMENT  
As of April 30, 1986

Note 1 - Mortgage receivable

The mortgage receivable is secured by a building and land. Payments of \$278,775.10 are due quarterly including interest at 10% per annum.

Note 2 - Notes receivable

The notes receivable are unsecured and bear interest at from 10% to 13% per annum. Included is a note receivable for \$330,335 which is due December 1, 1987. The remaining notes receivable have no fixed maturity dates.

Note 3 - Notes payable

Notes payable at April 30, 1986 consist of:

Notes Payable - secured by investment in metals, interest payable at 1 1/2% above the prime rate two days prior to maturity. Each note matures 120 days from issuance.

\$ 3,532,873

Notes Payable - unsecured, due within 1 year with interest payable at 10% per annum.

1,383,766

\$ 4,916,639



CHURCH OF SCIENTOLOGY OF CALIFORNIA  
NOTES TO FINANCIAL STATEMENT  
As of April 30, 1986  
(Continued)

Note 4 - Loss Contingencies

The Internal Revenue Service and the Employment Development Department have made assertions that the Church of Scientology of California owes employment taxes, penalties, and interest of \$4,445,454 for the years subsequent to 1975. Also, the Internal Revenue Service has assessed income taxes, penalties, and interest of \$7,894,574 for the years 1973 and 1974. Payment of the income tax assessment is contingent on the result of pending litigation. The Church has pledged the land and building which secures the mortgage receivable and the Certificate of Deposit as collateral for possible payment of income taxes for 1973 and 1974. It is not possible at this time to evaluate the likelihood of the Internal Revenue Service and Employment Development Department prevailing in their claims.

Additionally, the Church is the defendant in certain litigation. It is not possible at this time to evaluate the likelihood of recovery against the Church in the litigation, nor the potential liability to the Church resulting from the claims asserted in the litigation.

Note 5 - Gain Contingencies

The Church is appealing the payment of \$2,946,920 in income taxes, penalties, and interest to the Internal Revenue Service for the years 1970-1972. It is not possible at this time to evaluate the likelihood of the Church prevailing in its appeal.

Additionally, the Church is the plaintiff in certain litigation. It is not possible at this time to evaluate the likelihood of the Church prevailing in the litigation nor to estimate the amount of any possible recovery to be realized from this litigation.



HUBBARD COMMUNICATIONS OFFICE  
Saint Hill Manor, East Grinstead, Sussex

HCO POLICY LETTER OF 1 MAY 1965  
Issue II

Remimeo  
Exec Hats  
Comm Hats  
D Insp & Rpts Hats

ORDER BOARD AND TIME MACHINE

Executives must have and use an "Order Board".

In Scientology if it is not written it is not true. That's a major policy.

It applies to all.

Every order an Executive issues must be in writing.

He does this on a Clip Board. There is a sheaf of paper on it of his Division's colour. It has a sheet of pencil carbon and a ball-point slipped through the top of the clip. It can have a hook on the back to slip on a belt for persons walking about. This is the Order Board.

Even when one gives a verbal order it is also written down.

The executive keeps no copies of his orders. This is done by the Department of Inspection and Reports.

The original is handed to the person being ordered. The other is sent to the Inspection section of the Department of Inspection and Reports. If one is away from his Comm station, the carbons are left on the Order Board until one returns, when the copies are all sent to Inspection.

COMMUNICATOR ACTION

The carbon of an order is sent to Inspection because it is obviously a carbon copy and an order. It is not otherwise designated.

An original sent through the Comm Lines is obviously an original order as it is not a carbon. It is simply delivered to the addressee's basket.

JUNIOR'S ACTION

The person receiving the order does it, says he has (or couldn't) on the original order he received and sends it TO INSPECTION. However even if he sends it to his issuing superior the Communicator sends it to Inspection only.

INSPECTION ACTION

Inspection has a Time Machine. This is a series of baskets advanced one basket every morning.

A carbon of an order is placed in today's basket.

When the original comes in, the carbon is dug out of the basket (by date and colour flash) and original and carbon are clipped together and routed to the issuing executive.

EXHIBIT 3 PAGE 1100

Orders not complied with in one week of course fall off the Time Machine by ~~removing~~ in the basket being emptied today. (It was filled one week ago and advanced



A copy is made of the order and it is sent to Ethics for filing in the staff member's Ethics folder and counts as a report against the staff member.

The carbon is returned to issuing Executive to show his order has not been complied with, so that he can handle the situation. No report from the Executive is required in this instance as a copy is already in Ethics.

The Executive should investigate or ask Ethics to do so if the matter is of considerable importance.

If an original is returned to Inspection which has no carbon, it is copied and held and the copy is sent to the Executive with a "Sir, there is a lost carbon of your order. Did you fail to turn one in?" This disciplines a forgetful executive. When Inspection receives the answer it attaches the original to it and sends it back to the Executive.

#### VERBAL ORDER

A junior may report a verbal order to Ethics as it places his statistics and job in danger by leaving it open to have it said the order was otherwise.

#### PROJECT ORDER

If something requires more than two weeks to do it is a *project* and cannot be ordered without clearance from the Office of LRH Design and Planning Authority section. If a project has been okayed it has a number and its number must be put on the order as Project Number —.

Inspections file projects in their own files. This is also Time Machined by one month's emptying of a file drawer or one year's emptying of a file drawer. Projects run only for one month or one year and must be routinely inspected by Inspections which then reports to the Office of LRH with any progress or lack of it.

#### URGENT ORDERS

Orders marked Urgent by an Executive are entered into a one day time machine and handled in one day as described above for one week.

L. RON HUBBARD

LRH:mlh:rd  
Copyright © 1965  
by L. Ron Hubbard  
ALL RIGHTS RESERVED

EXHIBIT 28 PAGE 1151

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Pep EXHIBIT 3 FOR ID  
PAT AYERS, NP-CSR  
DATE 4-24-90  
WITNESS H. Armstrong  
PAGE 1 OF 86

11-1-86

DECLARATION OF GERALD ARMSTRONG

I, Gerald Armstrong, declare:

1. I am making this declaration in support of an opposition to plaintiff organization's motion for summary adjudication.

2. The organization's motion deals with a serious issue, one which affects the life of potentially thousands of individuals, and one which has become for me emotionally devastating and mind-altering, in a manner which is illogical and perverse. The realization that the people behind this motion and behind all the pc file violations; that is, the attorneys and the few who control organization money, will stop at nothing, no lie, or perversion of reality, no act, to, as Hubbard ordered, ruin me utterly, has some time ago gone far beyond a passing thought.

3. Mr. Peterson's argument in the summary adjudication motion is that "by 1978 (I) knew, or reasonably should have known" about the violations of my pc files, and that because my cross-complaint was filed in September 1982, my causes of action for fraud, intentional infliction of emotional distress and breach of contract as they relate to the organization's violations of my pc files are barred by applicable statutes of limitation. Mr. Peterson twists what I knew in 1978 with what I knew in the fall of 1981 and what I learned subsequently. The



1 whole statute of limitations argument is rendered ludicrous,  
2 however, by the fact that the organization and its attorneys  
3 have continued both the fraud of promised sanctity of pc files  
4 and violation thereof right up to the present time. Attached  
5 hereto as Exhibit A is a copy of the organization's "objection  
6 to release of preclear files "dated July 3, 1986 filed with this  
7 Court. At p. 2 of this document, organization attorney Donald  
8 Randolph states: "only within the last few weeks have these  
9 files been copied, indexed and reviewed by counsel." Mr.  
10 Randolph included in the "objection" several pages of statements  
11 he gloats were culled from my pc files. I have blacked out  
12 these statements in the document copy attached.

13  
14 4. Attached hereto as Exhibit B is a copy of a  
15 declaration dated December 13, 1983 which I wrote to support a  
16 motion to get my pc files delivered to me. At p. 8 I state, "I  
17 do not waive the (priest-penitent) privilege, and in fact I  
18 insist upon it." In a demonstration of the organizations's  
19 malevolent intent, Mr. Randolph asks this Court at p. 5 of the  
20 "objection" to "require Armstrong and his counsel to provide a  
21 waiver of the priest-penitent privilege." To veil the  
22 organization's antisocial acts with an illusion of legitimacy,  
23 Mr. Randolph states at p. 6 of the "objection" that if I even  
24 obtain copies of my pc files (part of which I do now have) the  
25 organization "will be forced against its wishes, to utilize the  
26 same documentation in its defense as evidence of Armstrong's  
27 character and perjurious statements." This is blackmail. And  
28 it is the clearest proof of the sanctity fraud, the

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1 organization's actual policy regarding use of "confidential" pc  
2 file information against the pc, and the basic fraud of Hubbard  
3 and his creation.

4  
5 5. Attached hereto as Exhibit C is a declaration dated  
6 July 14, 1985 written by Frank K. Flinn, B.D., Ph.D., the  
7 organization's "religious expert." This declaration was filed  
8 in this case along with the organization's "response," of July  
9 30, 1985 to the Court's July 2, 1985 Discovery Order. At  
10 pp. 18-20, Dr. Flinn compares Scientology's policies and  
11 practices regarding the "sanctity" of pre-clear files with those  
12 of other "religions."

13  
14 "Another religious practice of the Church of  
15 Scientology which has come under scrutiny is the issue  
16 of the confidentiality exercised with respect to the  
17 auditing records of members and especially of the  
18 "pre-clear files" of upper-level church members. I  
19 find the practice of the Church of Scientology in this  
20 regard fully in keeping with the practices of other  
21 religions.

22  
23 In general, there are two fundamental reasons why  
24 churches, including the Church of Scientology, seek  
25 confidentiality with regard to unauthorized examination  
26 of spiritual records. The first is to preserve the  
27 sanctity of the spiritual privacy of the believer.

28 ....



1 In regard to the first reason, the spiritual privacy  
2 of the believer, Scientology is like every religion  
3 known to me. The Roman Catholic Church protects the  
4 priest-penitent relationship with the severest of  
5 sanctions, including dismissal from priestly office and  
6 expulsion from the Church itself. Upon ordination  
7 priests take an oath of the "confessional seal" before  
8 they are allowed to hear the confession of sins and  
9 administer official spiritual counselling. My pastor,  
10 a Monsignor in the Roman Catholic Church, has testified  
11 to me that he would undergo imprisonment and death  
12 before revealing the contents of any confession,  
13 whether this revelation was demanded by the President  
14 of the United States or by the Pope of Rome.

15 ....

16 Abuse of the archive and unauthorized divulging of  
17 information can bring severe penalties, including  
18 demotion from office, penances and even  
19 excommunication.

20 Most Protestant denominations have similar regulations  
21 and penalties in their respective church polities.

22 Likewise Scientology has codes of conduct for auditors  
23 and other officials regarding authorized files. The

24 Church does not allow any outsider access to a  
25 parishioner's files as a matter of priest-penitent  
26 privilege, as is the case with other churches.

27 Confidentiality of this type of material touches on the  
28 nerve center of religion itself. The historical record

1 shows that no church lightly suffers the intrusion into  
2 such records by the government or any other outside  
3 agency. The history of the Reign of Terror in France  
4 reveals the great number of priests who went to the  
5 guillotine rather than break the confessional seal."  
6

7 Neither the President, the Pope, this Court nor anyone  
8 other than the organizations' leaders and attorneys ordered the  
9 violations of the "sanctity" of my pc files. These leaders and  
10 the attorneys reveal a radically different standard of conduct  
11 and ethics from that of the ministers of "other religions" who  
12 went to the guillotine rather than divulge the confessions of  
13 their preclears.  
14

15 6. Attached hereto as Exhibit D is a declaration  
16 signed by Reverend Ken Hoden, "president" of one of the new  
17 "corporations" "divested" recently by the "California"  
18 organization. This declaration was also filed in this case with  
19 the "response" to the July 2, 1985 Discovery Order.  
20

21 Mr. Hoden states at par. 3:

22 "Materials and information stored or recorded within  
23 the confessional folders (PC folders) are confidential  
24 and privileged. Our religious doctrine prohibits any  
25 parishioner or person receiving pastoral counselling  
26 (auditing) from viewing the contents of their folders.  
27 Our religious doctrines also prohibit any external  
28 dissemination of preclear folders. Even our attorneys

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1 are forbidden to review these folders. The only people  
2 who are allowed to view the pastoral counselling  
3 folders are authorized Church ministers.

4 Yet, my pc files were given to attorneys, culled and  
5 used against me. Mr. Randolph even defines the statements he  
6 culled from my "confidential" pc files "as admissions against  
7 Armstrong's interest." It is clear that the defense the  
8 organization's attorneys have desperately devised to their  
9 inhuman and criminal actions is the threatened divulgence of the  
10 materials culled from my pc files and my resultant hoped and  
11 worked for emotional disintegration. The filing of the culled  
12 statements "under seal" is a cheap attempt to give an appearance  
13 of morality to the organization's perfidious act. Dozens of  
14 organization attorneys, staff members, and attorney staff have  
15 seen the culled statements. They were placed in front of the  
16 Judge in this case, the individual who can most affect the  
17 outcome of this case and the rest of my life. Several of the  
18 incidents "culled" from my pc files as "admissions" never  
19 happened. Mr. Randolph and whoever helped him, in their  
20 ignorance of auditing and recklessness, have apparently culled  
21 imaginary "past life" incidents or have created the incidents  
22 out of whole cloth. For several other incidents, Mr. Randolph's  
23 interpretation is twisted beyond recognition. When he states at  
24 p. 2 that "the Church still maintains that the sanctity of the  
25 confessional must be placed above all other concerns," he lays  
26 to rest Mr. Peterson's statute of limitations argument because  
27 he shows that the fraud is continuing. The organization  
28 is still claiming out of one side of its mouth that



1 the sanctity of pc files is its paramount concern while out the  
2 other side it spits its victims' innermost thoughts and secrets  
3 and when these treacherously obtained and used thoughts and  
4 secrets are not sufficiently juicy to achieve the organization's  
5 black PR ends, it has someone fabricate them.

6  
7 7. At p. 8 of the summary adjudication motion Mr.  
8 Peterson states:

9 "The only way Armstrong can avoid the bar of the  
10 statute of limitations is by proving that he did not  
11 and could not have discovered the events alleged in his  
12 Cross Complaint any earlier than he did."

13 As has already been shown the culling of my filed  
14 admitted to by the organization occurred in 1986 and I only  
15 learned of this fact in July this year, almost four years after  
16 the filing of the cross-complaint. Attached hereto as Exhibit E  
17 is a page from what the organization produced as my "B-1 time  
18 track." The entry at April 7, 1980 is taken from my pc files  
19 (in session). I only learned of this culling in March 1985 when  
20 the organization produced some B-1 materials in the  
21 Christofferson case in Oregon. Even using the organization's  
22 date for the culled incident of April 7, 1980, this is two years  
23 after the 1978 date Mr. Peterson would like the Court to use.  
24 And when I learned of this culling is two and half years after  
25 the filing of the cross-complaint. Attached hereto as Exhibit F  
26 is a document entitled "Gerry Armstrong Project" dated February  
27 17, 1982. Step 2 reads:

28 "Go through his files and folders to extract the names



1 of people who knew him and who are still well connected  
2 up and completely trustworthy. Interview these people  
3 to find out who Gerry's close friends were and to see  
4 if he had any relatives in this area (we could then  
5 follow up to see if he might be staying with them).

6 This is the use of my pc files for intelligence data to be used  
7 against me. Attached hereto as Exhibit G is a "daily report  
8 dated February 22, 1982, from Assistant Guardian for  
9 Intelligence (AGI), Brad Ballentine to his organizational  
10 seniors at GOUS. He states in the fourth paragraph:

11 "SU (Special Unit, the name for the Gilman Hotspring  
12 compound) and Flag (the Clearwater, Florida base) have  
13 sent us all their files on him (Armstrong)."

14 "Us" is the GO intelligence bureau. I only learned of  
15 this transmission of my pc files to the organization's  
16 intelligence bureau and this use to which they were then put in  
17 March 1985, again two and half years after the filing of the  
18 cross-complaint. Attached hereto as Exhibit H is a declaration  
19 dated May 7, 1985 written by me in support of efforts to obtain  
20 my pc files from the organization, and prevent its continued  
21 violations of them. In paragraphs 5 through 9 I describe an  
22 organization intelligence operation involving the use of my pc  
23 files to entrap me. Much of the operation occurred in 1984,  
24 some six years after Mr. Peterson claims I should have known  
25 about it. I only became aware of the operation in April 1985  
26 when organization attorneys used its product to attack me in the  
27 Christofferson case. It's perhaps unfortunate for the  
28 organization that it gave my pc files to the intelligence bureau

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1 for culling and intelligence purposes in 1982, used  
2 them to set up the illegal videotaping of me in 1984,  
3 and again culled my files to concoct the "objection  
4 to release of preclear files" in 1986, since in so  
5 doing it lost any shot it may have had at obtaining a  
6 summary adjudication based on the statutes of  
7 limitations. The organization's misfortune cannot  
8 begin, however, to compare with the pain and anguish  
9 it subjected me to with these acts. If the  
10 organization had acted decently, and not violated  
11 either overtly or covertly, my pc files, the  
12 situation today might be quite different.

13  
14 8. Even without considering the pc file violations  
15 after I left the organization in 1981 or even back  
16 into the 1970's, the summary adjudication motion  
17 still falls because I had been rendered by the  
18 organization and Hubbard, until I began to come to my  
19 senses in late 1981, something different from "a  
20 reasonably prudent person." Mr. Peterson has  
21 selected statements from some of my response to  
22 interrogatories as "admissions against (my) own  
23 interest" to show that I learned of the culling in  
24 the 1970's while in the organization. From the same  
25 responses used by Mr. Peterson, attached to his  
26 motion as Exhibit A, I have excerpted the following  
27 three statements by me which show why a reasonably

28 ////



1 prudent person perceiving the same tip of the pc file violation  
2 iceberg that I did in the 1970s would or should have felt in  
3 disgust and filed suit for the fraud and related crimes and torts,  
4 and why I could not.

5 P.6 "In 1976 while locked up and guarded by the  
6 Guardian's Office on the orders of L. Ron Hubbard, I was  
7 told that my auditing repts were being gone through by  
8 GO staff. Had I protested this action, I would have  
9 remained locked up indefinitely. I had no control of my  
10 preclear folders, nor any control of those who had  
11 access to them. My will was broken by this time, and I  
12 was effectively controlled and manipulated by L. Ron  
13 Hubbard and the organization.

14 In 1976 through through December of 1977, I was  
15 assigned to and kept on the RPF by L. Ron Hubbard and  
16 those under his control. A system of control and  
17 deprivation was exerted over me throughout this period  
18 and a campaign of harassment and terror was directed  
19 against me and the RPF as ordered by Hubbard.

20 .....

21 P.9 "If I had known of the existence of this policy  
22 (GO 121669) and the practice of disclosure of  
23 "confidential" session information, I would never have  
24 become involved with Scientology. I was brought along  
25 as far as I went with the organization by the  
26 systematic trickery and manipulation by L. Ron Hubbard  
27 and the organization.

28 .....

1 P.23 "I spent from July 1, 1976 to December 1, 1977 on  
2 the RPF on Hubbard's order. I was humiliated, degraded,  
3 terrorized and defrauded by Hubbard during this period.  
4 I underwent tremendous emotional trauma and lost self  
5 respect and rationality.

6 The proof of the mind manipulation run by Hubbard and the  
7 organization is that I stayed so long after so much degradation  
8 and betrayal. Only in late 1981 when I spotted Hubbard as the  
9 source of the fraud and the organization's antisocial conduct, and  
10 after leaving the organization when the control mechanisms began  
11 to fall away, did I become aware of the criminal significance of  
12 pc file culling and the fraud which makes it possible.

13  
14 9. Hubbard also used the auditing process itself, by  
15 which he claimed to be freeing people, to subtly program them to  
16 not even think a critical thought about the deplorable conditions  
17 in which they were kept, including a questioning of auditing or  
18 the pc file violations which might be observed or heard about.  
19 During any auditing session, if the preclear makes any critical  
20 comment, the auditor will immediately demand of the preclear any  
21 "overt", that is any misdeed, crime or intentionally harmful act,  
22 he has committed. In Hubbard's system, any criticism meant that  
23 the person making it had a hidden undisclosed crime. One of his  
24 bulletins, "Session Must-nots," attached hereto as Exhibit I,  
25 states this point:

26 "When a pc is critical of the auditor, the organization  
27 or any of the many things in life, this is always a  
28 symptom of overts priorly committed by the pc.



1

....

2

This is a sweeping fully embracive statement - and a true one. There are no criticisms in the absence of overts committed earlier by the pc.

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Very soon after some auditing in the Sea Organization I learned that any criticism I had meant I had done something bad, and after a while I even was stopped from thinking any thought critical of Hubbard or the organization. In Hubbard's dictionary of Scientology terms, a "critical thought" in fact is defined as "a symptom of an overt act having been committed." The page from the dictionary is attached hereto as Exhibit J. This concept, although programmed into people in auditing, pervaded every part or aspect of the organization. So the criticisms of a staff member about Hubbard's or the GO's practices, and specifically pc file violations, were not listened to; rather he would be investigated or sec checked for his "crimes." By contrast, however, it could never be thought that Hubbard, who was constantly critical of doctors, judges, scientists, psychologists, government, teachers, and especially Scientologists and Sea Org members, had himself committed crimes or overts, because such a thought about him was clearly "critical." Thus he achieved almost absolute mind control.

10. Beginning at page 10 of the summary adjudication motion, Mr. Peterson makes a confusing argument that:

"Armstrong is barred by Statute of Limitations from asserting Scientology's religious status, and auditing benefits as "misrepresentations" as Armstrong had a

1 duty to investigate these "facts" more than 3 years  
2 prior to date of cross-complaint.

3 Mr. Peterson further states at p. 14:

4 "Clearly, if Armstrong is to be believed, he was aware  
5 of what he terms the scientific non-religious nature  
6 of Scientology no later than 1975.

7 How that helps the organization's position is baffling. It is  
8 the basis of the whole Hubbardian fraud. It was Hubbard's  
9 scientific guarantees for auditing and Scientology which were the  
10 lure into the organization. Even the promise of auditing  
11 confidentiality was given in scientific terms and differentiated  
12 from "religious confessions" which Hubbard claimed had  
13 degenerated into "a kind of blackmail." In his bulletin of  
14 January 31, 1960, attached hereto as Exhibit K he stated:

15 "Some churches used a mechanism of confession. This  
16 was a limited effort to relieve a person of his overt  
17 acts. Later the mechanism of confession was employed  
18 as a kind of blackmail by which increased contribution  
19 could be obtained from the person confessing. Factually  
20 this is a limited mechanism to such an extent that it  
21 can be extremely dangerous. Religious confession does  
22 not carry with it any real stress of responsibility  
23 for the individual but on the contrary seeks to lay  
24 responsibility at the door of the Divinity -- a sort of  
25 blasphemy in itself. I have no axe to grind here with  
26 religion. Religion as religion is fairly natural. But  
27 psychotherapy must be in itself a completed fact or, as  
28 we all know, it can become a dangerous fact.



1 Hubbard goes on in the same bulletin to ask auditors to "make  
2 your pc write these overts and withholds down and sign them and  
3 send them off to me." His motivation for this policy is not  
4 altruistic, and it only became clear to me in 1981.

5 The other part of Mr. Peterson's argument is that since  
6 I had some doubts in my early Scientology years I had a duty from  
7 that point to investigate. Mr. Peterson includes in the testimony  
8 from the trial in the underlying case, however, at p. 15 of the  
9 motion my statement of what happened when I did question the fact  
10 that the auditing I had had did not resolve what I considered  
11 the essential problem: "I was told after doing the auditing steps  
12 that that would only happen at Clear." And "clear" only happened  
13 around 1979, and that did not produce the promised results of  
14 auditing, but I was told these would happen at another "higher  
15 level" called OT III. In other words an aspect of the continuing  
16 fraud was bait and switch.

17 Attached hereto as Exhibit L is a policy written by  
18 Hubbard dated February 25, 1966 entitled Attacks on Scientology"  
19 wherein he orders:

20 "NEVER agree to an investigation of Scientology. ONLY  
21 agree to an investigation of the attackers."

22 The investigation Mr. Peterson is seeking to convince the Court  
23 I had a duty to make was impossible. In fact I did something  
24 of an investigation in 1980 and 1981 when it was somewhat  
25 possible and the results of the investigation were a major factor  
26 in my leaving the organization and Hubbard.

27 11. Mr. Peterson claims at p. 16 of the motion that the  
28 intentional infliction of emotional distress cause of action is

1 barred by the statute of limitations in regards to the pc file  
2 violations since I was emotionally distressed in 1976 and 1977  
3 while I was locked, in the RPF and generally being manipulated  
4 and degraded on a daily basis by the organization on Hubbard's  
5 orders. Mr. Peterson's argument is hollow since culling of my  
6 files occurred as well, as has been shown above, in the 1980s and  
7 as recently as July this year. The emotional distress I have  
8 experienced from the 1986 culling alone is beyond description.  
9 Mr. Peterson's argument that I am barred by the statute of  
10 limitations because of my knowledge in the 1970s that pc file  
11 culling occurred is like telling a victim of years of abuse that  
12 he or she cannot do anything about it because the abuse has gone  
13 on so long.

14 Interrogatory no. 16, the response to which Mr.  
15 Peterson has quoted from at p. 17, states:

16 "With regard to the second cause of action of your first  
17 amended cross-complaint for damages for alleged  
18 intentional infliction of emotional distress against  
19 cross-defendants Scientology and Hubbard, to the extent  
20 you have not done so, in response to the above  
21 interrogatory, provide the following factual basis for  
22 such cause of action:

23 A. The specific and full factual basis for all the  
24 allegations contained in said cause of action.


25 Mr. Peterson's assumption that the date that I "first suffered  
26 severe emotional distress as a consequence" of realizing the  
27 organization had and would my innermost thoughts and secrets,  
28 was "by 1978" is erroneous. And the conclusion, at p. 18 of the



1 motion, that "Armstrong had knowledge of what he contends were all  
2 the above referenced breaches of the so-called contract no later  
3 than December 1, 1977," and at p. 8 that "(i)n reality,  
4 Armstrong has not testified that he knew anything in the Fall of  
5 1981 that he had not already known as of 1978, by the latest"  
6 omit any reference to and attempt to slip by the whole biography  
7 project, Hubbard's archives and the underlying case which the  
8 organization brought.

9 I declare under penalty of perjury under the laws of  
10 the State of California that the foregoing is true and correct.

11 Executed this first day of November, 1986 at Boston,  
12 Massachusetts.

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27  
28  
  
Gerald Armstrong

1 JOHN G. PETERSON  
2 PETERSON AND BRYNAN  
3 8530 Wilshire Boulevard, Suite 407  
4 Beverly Hills, California 90211  
5 (213) 659-9965

6 DONALD C. RANDOLPH  
7 A Member of  
8 OVERLAND, BERKE, WESLEY, GITS,  
9 RANDOLPH & LEVANAS  
10 A Professional Corporation  
11 2566 Overland Avenue, Seventh Floor  
12 Los Angeles, California 90064  
13 (213) 559-8150

14 Attorneys for Plaintiff and Cross-Defendant  
15 CHURCH OF SCIENTOLOGY OF CALIFORNIA

16 SUPERIOR COURT OF THE STATE OF CALIFORNIA

17 FOR THE COUNTY OF LOS ANGELES

18 CHURCH OF SCIENTOLOGY OF  
19 CALIFORNIA, a California  
20 Corporation,

21 Plaintiff,

22 v.

23 GERALD ARMSTRONG, et al.,

24 Defendants.

25 AND RELATED CROSS-ACTION

26 No. C 420 153

27 OBJECTION OF CROSS-DEFENDANT  
28 CHURCH OF SCIENTOLOGY OF  
29 CALIFORNIA TO RELEASE OF  
30 PRECLEAR FILES

31 [UNDER SEAL]

32 EXHIBIT 3 PAGE 17

33 I.

34 INTRODUCTION

35 The Church has fought, at all times herein, to protect  
36 Armstrong's privacy, and the privacy of its other  
37 parishioners, by refusing to produce the preclear files  
38 relating to Armstrong for an in camera inspection.  
39 Needless to say, the Church does not wish to jeopardize its  
40 ability to provide religious services to all of its



1 adherents simply because one ex-member lacks respect for its  
2 religious principles. The Church urges this Court to consider  
3 carefully, as several other courts have done, the potential  
4 adverse impact on religious confidentiality for all Church  
5 members which arises from Armstrong's own attempts at  
6 self-destruction through insisting that his preclear files  
7 become discoverable.

8 Throughout this litigation, the Church has maintained  
9 these files securely and in confidence, and only within the  
10 last few weeks have these files been copied, indexed and  
11 reviewed by counsel in preparation for their production as  
12 ordered by this Court. As is evident below, the Church has  
13 very obviously not utilized or disseminated the information  
14 contained in these files at any point. As is also evident  
15 below, there is significant information contained in these  
16 files which is directly contradictory and otherwise quite  
17 detrimental to Armstrong's assertions in support of his case.  
18 Additionally, there is a great deal of information contained  
19 in the files which is undoubtedly personally embarrassing to  
20 Mr. Armstrong and extremely destructive to his reputation and  
21 credibility. Nonetheless, even in full awareness of the  
22 damage that the contents of these files could inflict upon  
23 Armstrong and his claims, the Church still urges this Court to  
24 maintain the privacy of the documents and the information  
25 contained therein. This position is not based upon any  
26 overriding concern for Armstrong's welfare; rather, the Church  
27 still maintains that the sanctity of the confessional must be  
28 placed above all other concerns. 306



II.

APPROPRIATE ALTERNATIVES AVAILABLE TO THIS COURT

In Wollersheim v. Church of Scientology of California, et al., Los Angeles Superior Court No. C 332 027, the Honorable Ronald Swearinger was faced with a similar, although possibly even more serious, situation. In that case, plaintiff Larry Wollersheim had alleged that the pastoral counseling delivered to him by the Church had directly resulted in physical and emotional damage to him. He further alleged that the preclear files pertaining to him were directly relevant as evidence of this damage, and the intentional or negligent infliction emotional distress to him.

As in the case herein, the production of the preclear files relating to Larry Wollersheim occurred in stages, with the Church bringing to the Court's attention at each stage the relevant objections. On February 28, 1986, Judge Swearinger required plaintiff Wollersheim to inform the Court that a knowing and informed waiver of the priest-penitent privilege was being made. (See Declaration of John G. Peterson, attached hereto as Exhibit "A".)

On March 13, 1986, Judge Swearinger took note of the November 5, 1985 Order issued by the Honorable Judge Mariana Pfaelzer in the case of Religious Technology Center, et al. v. Larry Wollersheim, et al., U.S.D.C. C.D.Ca. Civil Action No. 85-7197-MRP. That Order described as "confidential religious scriptures" the materials known within the Church as "(1) Solo Part II, (2) Power, (3) R6EW, (4) DCSI, (5) Sunshine

307 3 19



1 Rundown, (6) Clearing Course, (7) OT I, (8) OT II, (9) OT III,  
2 . . ." (See Temporary Restraining Order, attached hereto as  
3 Exhibit "B".) Following the decision reached by Judge  
4 Pfaelzer, Judge Swearinger ordered that "[w]e are not going  
5 into the contents of those upper level materials." (See March  
6 13, 1986 Trial Transcript, pp. 2208-2209, attached hereto as  
7 Exhibit "C".) Judge Swearinger reiterated on April 3, 1986  
8 that no testimony from the upper levels materials, being  
9 defined as "Power through NOTS", would be allowed into the  
10 trial of the action. (See April 3, 1986 Trial Transcript, pp.  
11 4786-4787, attached hereto as Exhibit "D".) Thereafter, the  
12 preclear files were produced to Judge Swearinger for his in  
13 camera inspection. The files containing upper level  
14 materials were not required to be produced, and were not  
15 produced.

16 On May 6, 1986, after Judge Swearinger had thoroughly  
17 reviewed the contents of the files, a discussion was held  
18 concerning the "tremendous confusion and side shows" that the  
19 introduction of the preclear files into the Wollersheim case  
20 would create. (See May 6, 1986 Trial Transcript, p. 7571,  
21 attached hereto as Exhibit "E".)

22 A procedure whereby the files were maintained by the  
23 Court, but in which Wollersheim and his counsel could review  
24 them in the presence of a referee, was established. No such  
25 review occurred, apparently due to a decision by Wollersheim  
26 and his counsel that the interests balanced by the information  
27 contained in those files becoming public or staying private  
came down on the side of privacy. 308 EXHIBIT 3 PAGE 20



1 The alternative suggested by the Wollersheim case is  
2 completely applicable and appropriate to the case herein. The  
3 Church has not produced the three files pertaining to  
4 Armstrong which contain "confidential religious scriptures".  
5 Those files, covering the time period from just a portion of  
6 1978 into early 1980, include "(1) Solo Part II, . . . (6)  
7 Clearing Course, (7) OT I, (8) OT II, [and] (9) OT III"  
8 materials. It has, however, produced for inspection the  
9 twenty-five files covering the time period from Armstrong's  
10 first pastoral counseling, in 1970, up through the portion of  
11 1978 when he engaged in the confidential upper level  
12 counseling. This Court should require only the production of  
13 the preclear files already produced.

14 This Court should also, as was established by the  
15 Wollersheim court, require Armstrong and his counsel to  
16 provide a waiver of the priest-penitent privilege prior to any  
17 review of the files which have been produced. The procedure  
18 formulated by Judge Swearinger, which would allow Armstrong and  
19 his counsel to review the files in the presence of a referee,  
20 is likewise completely appropriate for the case herein. Upon  
21 completion of his review, this Court should require Armstrong  
22 to specifically state which documents support his claims. The  
23 Church is confident that Armstrong will be unable to  
24 demonstrate any support for his claims that Armstrong's  
25 files were "culled" for the simple reason that no such action  
26 has occurred.

27 It seems highly unlikely that Armstrong and his counsel,  
28 once they have reviewed these files, will still insist on



1 making their contents a part of this case as such an action  
2 will create only harm to Armstrong. The Church has not  
3 utilized these files in any way for this litigation, and  
4 repeats its offer at this time to destroy the files, and any  
5 copies thereof, in Armstrong and/or his counsel's presence  
6 should they now be willing to adopt this course of action.

7 III.



8 INFORMATION IN THE PRECLEAR FILES IS HARMFUL  
9 TO ARMSTRONG'S CASE AND CHARACTER

10 If Armstrong insists on making the contents of these  
11 files a part of this case by obtaining copies of them, and if  
12 the Court does not reconsider its intention to release these  
13 preclear files to Armstrong, the Church will be forced,  
14 against its wishes, to utilize the same documentation in its  
15 defense as evidence of Armstrong's character and perjurious  
16 statements.

17 A. Statements Regarding Armstrong's Case

18 The files contain numerous references to admissions by  
19 Armstrong which are directly contradictory to his allegations  
20 in the Third Amended Cross-Complaint as well as  
21 representations made directly to this Court in various  
22 declarations. Information in this regard includes the  
23 following:

EXHIBIT 3 PAGE 22

24 1. On November 18, 1977, Armstrong commented to his  
25 minister   
26   
27  
28



1 [REDACTED]  
2 [REDACTED]  
3 . On February 26, 1977, Armstrong informed  
4 his minister [REDACTED]

5 . On November 13, 1976, Armstrong stated that  
6 [REDACTED]  
7 [REDACTED]

8 2. On October 24, 1977, Armstrong informed his minister  
9 that [REDACTED]  
10 [REDACTED]

11 3. On October 16, 1977, Armstrong informed his minister  
12 that [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]

17 4. On September 20, 1977, Armstrong informed his  
18 minister that [REDACTED].

19 5. On September 2, 1977, Armstrong confessed to his  
20 minister that [REDACTED]  
21 [REDACTED]  
22 [REDACTED]

23 6. On May 5, 1977, Armstrong informed his minister that,  
24 [REDACTED].

25 7. On February 27, 1977, Armstrong informed his minister  
26 that [REDACTED]  
27 [REDACTED]  
28 [REDACTED]



1 8. On February 26, 1977, Armstrong described the  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]

7 All of the above statements by Armstrong are highly  
8 relevant to this action. They lead to the inescapable  
9 conclusion that Armstrong has lied to this Court and, when  
10 that ultimately proves to be the case, contempt and dismissal  
11 of the action is the proper sanction.

12 B. Statements Regarding Armstrong's Character

13 Other admissions contained in these files, which go  
14 directly to Armstrong's credibility and character, include the  
15 following:

16 1. Armstrong admitted to his ministers on numerous  
17 occasions that [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]

21 (see, e.g., March 26, 1970 and July 16, 1970  
22 statements); [REDACTED] (see, e.g., statement of April 17,  
23 1970); [REDACTED]  
24 [REDACTED] (see, e.g., statements of December  
25 31, 1972 and July 20, 1973); [REDACTED] (see,  
26 e.g., June 30, 1977 statement).

27 2. Armstrong admitted to his ministers on numerous  
[REDACTED]



[REDACTED]

(see, e.g., statements of July 18, 1974 and September 6, 1977);

[REDACTED]

(see, e.g., statements of May 23, 1970,  
July 18, 1974 and February 27, 1977); [REDACTED]

(see, e.g., statement of May 23, 1970);

[REDACTED] (September  
24, 1976); [REDACTED] (see,  
e.g., statement of December 8, 1976);

[REDACTED] (see, e.g.,  
statements of April 14, 1970, February 6, 1971 and August 12,  
1977); [REDACTED]

(September 6, 1977);

[REDACTED] (see, e.g.,  
statements of September 15, 1971 and February 26, 1972).

3. Armstrong admitted to his ministers that [REDACTED]

[REDACTED] (See, e.g., statement of July 25, 1973.)

4. Armstrong admitted to his auditors on numerous  
occasions that [REDACTED]

[REDACTED] (See, e.g., statements of February 6, 1971;  
February 15, 1971; September 15, 1971; and October 10, 1972.)

The above admissions, if the Church is ever forced to use  
them, must be construed as admissions against Armstrong's  
interest. They paint an incredibly sad picture of a pathetic  
and troubled individual who engaged in one illegal or deviant



1 act after another until entering the Church; who continued,  
2 although in a comparatively minor way, to practice his debased  
3 activities while a member of the Church; and who immediately  
4 resumed his extremely aberrated activities upon leaving the  
5 Church as demonstrated by his theft of thousands of pages of  
6 personal materials and his "talking pig" essay, a sickening  
7 "personal creative work" authored by Armstrong for potential  
8 publication. (See essay, attached hereto as Exhibit "F".)

## IV.

9 THE DOCUMENT DATED NOVEMBER 26, 1976,  
10 MARKED BY THE COURT AS SEALED EXHIBIT NO. 600,  
11 IS NOT REPRESENTATIVE OF THE PRECLEAR FOLDERS

12 The document selected by the Court and denoted as sealed  
13 Exhibit No. 600 in its Order of June 26, 1986 is not  
14 representative of the majority of the documents contained in  
15 the preclear files pertaining to Armstrong. The majority of  
16 the documents contained in these preclear files are notes  
17 taken by the ministers who delivered specific pastoral  
18 counseling processes to Armstrong. Their notes, as  
19 demonstrated above, reflect a great deal of spiritual  
20 reflection and unburdening by Armstrong. The document  
21 selected by this Court, however, is simply a review of an  
22 earlier pastoral counseling process delivered to Armstrong;  
23 its purpose was only to prepare Armstrong for additional  
24 pastoral counseling processes.

25 Therefore, if the Court determines to release these files  
26 to Armstrong, the Church proposes the addition of several  
27 additional sealed exhibits as more truly being representative  
28

1 of the documents contained within these preclear files. The  
2 documents dated March 26, 1970, May 23, 1970, July 18, 1974,  
3 and February 22, 1977 are hereby requested for introduction as  
4 sealed Exhibits No. 601, 602, 603, and 604.

5 V.

6 FURTHER COMPLIANCE WITH THE COURT'S ORDER

7 OF JULY 2, 1985

8 Pursuant to this Court's Order of July 2, 1985, attached  
9 hereto as Exhibit "G" is a list of each of the pastoral  
10 counseling sessions contained within the preclear files by  
11 date, the name of the minister who counseled Armstrong, and  
12 the location where the counseling occurred when known.

13 VI.

14 CONCLUSION

15 For the reasons set forth hereinabove, the Church urges  
16 this Court to allow Armstrong access to the preclear files for  
17 inspection without copying or the taking of notes only. Such  
18 an alternative will meet Armstrong's discovery objectives and  
19 yet maintain the integrity of the confessional files without  
20 interjecting their contents into this litigation. The Church  
21 further urges this Court to require a waiver of the priest-  
22 penitent privilege from Armstrong and his counsel prior to any  
23 such inspection, to require a written statement specifying

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1 what documents support his claims, and to exclude any  
2 production of the "confidential religious scriptures".

3 DATED: July 3, 1986

Respectfully submitted,

4 OVERLAND, BERKE, WESLEY, GITS,  
5 RANDOLPH & LEVANAS

6 By:

7 DONALD C. RANDOLPH

8 Attorneys for Plaintiff and  
9 Cross-Defendant Church of  
10 Scientology of California  
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DECLARATION OF GERALD ARMSTRONG

1. I am the defendant and cross-complainant in the case of Church of Scientology of California v. Armstrong, Case No. 420153.

2. I am making this Declaration to support a motion to have plaintiff deliver to me my "auditing" and "ethics" files, now in its or a connected organization's possession.

3. During the process of "auditing" in Scientology, a person being "audited," hereafter referred to as "penitent," communicates to the clergyman, counselor, or therapist, hereafter referred to as "auditor," his innermost thoughts and relates incidents from his life which are emotionally charged, embarrassing or for which he could be blackmailed. The auditor writes down what the penitent says in "auditing reports." The auditor demands and records details such as time and place when an incident occurred, who was present, who knew about the incident, their relationship to the penitent and their address or general location. These "auditing reports" form, along with the auditor's notes and instructions made after the auditing sessions, the penitent's auditing files. My auditing files are from approximately one thousand hours of auditing and total over two feet in height. These are the files, along with my "ethics" files, and any copies, notes or excerpts from these files, that I seek to have delivered to me.

EXHIBIT 3 PAGE 29

4. When I became involved with Scientology, and when I joined the Sea Organization, I did so in part because of the promises made to me that auditing reports and statements made during auditing were to be absolutely confidential between



1 auditor and penitent. I was told that these statements were  
2 treated like the confessions of Catholics to their priests, that  
3 they would never be passed on to others and would not be used  
4 against the penitent. I was never told of use of auditing  
5 information by the hierarchy of Scientology against penitents,  
6 nor of the fact that the hierarchy and the intelligence bureau  
7 personnel of Scientology had complete access to auditing files.  
8 My learning of the actual use to which auditing information is  
9 put was a major factor in my leaving the organization. The fact  
10 that the organization refuses to turn over my personal records  
11 by claiming they are "protected" by the "clergyman-penitent  
12 privilege" which they have for decades ignored and abused, is a  
13 situation designed by Scientology to bring about my emotional  
14 disintegration.

15 5. I seek the delivery to me of my personal auditing and  
16 ethics files for a number of reasons. They are my property  
17 because they are my statements made as a penitent. As such, they  
18 are protected by the "clergyman-penitent privilege." Yet, I  
19 cannot exert the privilege, and stop the organization's use of  
20 these files as long as they remain in Scientology's possession.  
21 I seek an understanding from these records of what happened to me  
22 during my thirteen years of involvement with Scientology. There  
23 are aspects of the mind control by Hubbard and the organization  
24 which as yet elude me. I worked over eleven years, virtually  
25 without pay and doing things as directed by Hubbard and the  
26 organization that no sane person would do. I feel that my  
27 auditing records will shed a great deal of light on this  
28 subject. My emotional stability I feel was damaged by



1 Scientology, both while inside and by the attacks on me after  
2 leaving, and the continued possession of my personal auditing  
3 records and violation of my rights does not allow any emotional  
4 healing. The organization or Hubbard and his agents will use the  
5 information from my personal auditing files against me, both in  
6 and out of the legal arena. I seek to prevent Hubbard and the  
7 organization from this abusive action. Hubbard and the  
8 organization have labelled me their "enemy" and a "suppressive  
9 person" (or one of the 2 1/2 percent most evil people in the  
10 world). They do not consider me a friend, and their motivation  
11 for retaining my personal auditing files is not friendship or  
12 interest in my welfare. They actively seek my destruction.

13 6. During my years of involvement with Hubbard and  
14 Scientology I learned by direct observation how the organization  
15 uses penitents' "confidential" auditing information. While  
16 working in the Guardian's Office and L. Ron Hubbard's  
17 Communications Bureau, I coded and decoded telexes which  
18 contained such information gleaned from auditing files. The  
19 information came from the Guardian's Office (or Intelligence  
20 Bureau), and without the knowledge of the penitents. The  
21 transmitted information dealt mainly with the penitents' sexual  
22 activities, their family, drug use, criminal activity in their  
23 past, "buttons" (things which could be used to exert control over  
24 the penitents), and things for which the penitents could be  
25 blackmailed. In 1980 and 1981 I learned from Guardian's Office  
26 operatives that because of its social unacceptability and legal  
27 problems they could no longer use auditing information directly.  
28 Instead, they gleaned the information from auditing files then

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3 PAGE 31



1 sought out "third parties" or created "third parties" who could  
2 provide the same information. Since the auditing reports  
3 contained the time and place where incidents occurred, and who  
4 was present or knew about the incident, this was relatively easy  
5 to do. In 1980 I was asked by a GO operative to "verify"  
6 information taken from the auditing files of Tonja Burden, a  
7 young girl then considered an "enemy" of Scientology. The  
8 operative knew details from Ms. Burden's "confidential" files and  
9 related these to me to see if I could be the "third party" to  
10 "provide" the information in a declaration or as a witness.

11 7. A number of times during my involvement with  
12 Scientology I was ordered, either by Intelligence Bureau  
13 personnel or Hubbard's personal agents, to cull usable  
14 information from penitents' auditing files. The information  
15 culled was written or typed into lists and kept by the GO or  
16 Hubbard's agents separate from the auditing files. This was  
17 standard practice with anyone who requested to leave or did leave  
18 the organization or was considered in any way a "threat."  
19 Undoubtedly it has already occurred with my "confidential" files.  
20 The classes of information I was ordered to extract from auditing  
21 reports were: anything concerning the penitents' sexual  
22 activities, including time, place, form, event and names and  
23 addresses of all sexual partners; any involvement with drugs,  
24 including time, place, form, event and names of anyone else  
25 involved; any criminal activities with complete details; anything  
26 for which the penitents could be blackmailed; any information on  
27 family members, friends, associates, connections. In short, the  
28 information sought by the GO and Hubbard's personal agents was

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1 intelligence data exactly like that sought and used by the KGB or  
2 the Gestapo.

3 8. Only in 1982, after leaving Hubbard's personal staff  
4 and the Sea Organization did I find that the practices regarding  
5 the use of "confidential" auditing files for intelligence  
6 purposes existed as written policy long before I joined the Sea  
7 Organization. In a Guardian's Order dated December 16, 1969,  
8 entitled PROGRAMME: INTELLIGENCE: INTERNAL SECURITY, Mary Sue  
9 Hubbard, then directly responsible to L. Ron Hubbard, wrote:

10 "VITAL TARGETS:

11 1. This Programme is to be done by the Asst.  
12 Guardian or the D/A/Guardian for Intelligence,  
13 if this post is held separately.

14 2. To establish intelligence files on all  
15 such persons found to be infiltrators, double  
16 agents, and disaffected staff members, Scien-  
17 tologists and relatives of Scientologists.

18 OPERATING TARGETS:

19 1. To make full use of all files on the  
20 organization to effect your major target.  
21 These include personnel files, Ethics files,  
22 Dead files, Central files, training files,  
23 processing files and requests for refunds.

24 2. To assemble full data by investigation of  
25 each person located for possible use in case  
26 of attack or for use in preventing any attack  
27 and to keep files of such." (GO 121689 MSH,  
28 attached hereto as Attachment 1.)



1 If I had known of this policy and practice in 1969 I would never  
2 have become involved with Scientology.

3 9. The public statement by Hubbard and the Scientology  
4 organizations is that the purpose of auditing is to free  
5 individuals. Yet the real use to which auditing is put is to  
6 entrap and control individuals. Many of the people in  
7 Scientology are Hubbard's unwitting dupes; they believe that, to  
8 some degree at least, their participation in the covert and  
9 illegal use of confidential auditing files has something to do  
10 with freeing individuals. Hubbard's personal writings during  
11 the period of his creation of Dianetics and Scientology, however,  
12 reveal a completely different and very non-altruistic motivation.  
13 In these writings, now under seal in the Court, Hubbard wrote  
14 that he would control this sector of the Universe, that all men  
15 will bow down to his will, and that he has the right to use  
16 men's minds. There are approximately two hundred pages of such  
17 writings presently under seal. These reveal Hubbard's intent to  
18 control people, his utter disregard for individuals' rights and  
19 his meglomania. The illegal use to which he and his organization  
20 have put and do put penitents' statements, made in confidence,  
21 fit with the pattern of Hubbard's life and his mental state as  
22 shown in the sealed documents.

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23 10. Hubbard's and Scientology's attorneys are knowing or  
24 unknowing participants in the illegal use of "confidential"  
25 penitents' files. Plaintiff's attorney, Karl Kohlweck, in  
26 refusing to produce my "ethics" file stated:

27 ". . . 'ethics' files of parishioners of the  
28 Church of Scientology contain information

1 derived from confidential communications  
2 between the parishioners and ministers of the  
3 Church. Plaintiff Church of Scientology of  
4 California asserts the priest-penitent  
5 privilege with respect to the contents of such  
6 files." (Response to Defendant's First Request  
7 for Production of Documents attached hereto as  
8 Attachment 2.)

9 Besides being ludicrous--the "Church" asserting the privilege for  
10 the penitent when the penitent himself is requesting the files--  
11 it is a clear example of obstruction of justice and abuse of the  
12 justice system. In my deposition of August 18, 1982, Mr.  
13 Kohlweck asked a series of questions which began:

14 "Q Mr. Armstrong, isn't it a fact that  
15 during December of 1977 there was dispatch  
16 concerning you, that you were approved for  
17 duty at the S. U. or Special Unit, provided you  
18 were not ever to be on C.M.O. or Commodore  
19 Staff Guardian lines nor at any time on G.O.  
20 lines, Guardian's Office lines, or any  
21 position senior to Messenger? Are you aware  
22 of such a dispatch?" (Deposition of Gerald  
23 Armstrong taken August 18, 1982, p.208,  
24 attached hereto as Attachment 3.)

25 The "dispatch" Mr. Kohlweck appears to know in such detail I know  
26 to be from my "ethics" file. From not only this instance, but  
27 from a very long experience with Scientology, it is clear to me  
28 that the priest-penitent privilege means nothing to Hubbard or



1 the Scientologists he controls, other than as a vehicle to  
2 prevent the penitent from exerting his privilege, and at the same  
3 time selectively using the information from the files not  
4 relinquished to the penitent because they are "privileged." It  
5 is the penitent's privilege; it most certainly is not the  
6 organization's. It is just this sort of convoluted perversion of  
7 the law and the individual's rights which has been Hubbard's  
8 modus operandi for more than thirty years.

9 11. My attorney has written CSC, requesting delivery to me  
10 of my "auditing" files and "ethics" files. The organization has  
11 not even responded, yet they have claimed these files are  
12 protected by the priest-penitent privilege.

13 Evidence Code Section 1033 states:

14 Privilege of Penitent: "Subject to Section 912, a  
15 penitent, whether or not a party, has a privilege  
16 to refuse to disclose, and to prevent another from  
17 disclosing, a penitential communication if he  
18 claims the privilege."

19 Section 912 deals with waiver of privilege.

20 I do not waive the privilege, and in fact insist upon it. The  
21 only way I can exert the privilege and prevent CSC or Hubbard  
22 from disclosing my "penitential communications" is to have the  
23 "auditing" and "ethics" files, and all copies delivered to me.  
24 Yet CSC and Hubbard refuse, claiming "priest-penitent" privilege,  
25 which is my privilege, not theirs.

26 12. Hubbard has set the organization's policy regarding  
27 lawsuits:

28 "The law can be used very easily to harass,

1 and enough harassment on somebody who is  
2 simply on the thin edge anyway, well knowing  
3 that he is not authorized, will generally be  
4 sufficient to cause his professional decease.

5 If possible, of course, ruin him utterly."

6 (Level "0" Checksheet by L. Ron Hubbard,  
7 attached hereto as Attachment 4.)

8 It is very clear that the refusal to deliver to me my "auditing"  
9 and "ethics" files, which have no possible legal use to Hubbard  
10 or the organization, is simply harassment. Hubbard's directed  
11 harassment of me has put me "on the thin edge" as he intended. I  
12 am deeply disturbed by the abuses and harassment by Hubbard and  
13 the people he controls and their desire to ruin me utterly.

14 I declare under penalty of perjury that the foregoing is  
15 true and correct.

16 Executed this 18th day of December 1983 at Costa Mesa,  
17 California.

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19 GERALD ARMSTRONG  
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DECLARATION OF FRANK K. FLINN

1. I, Frank K. Flinn, reside at 7472 Cornell, St. Louis, Missouri 63130.

2. I am currently self-employed as a writer, editor, lecturer and consultant in the fields of theology and religion. I am also a Senior Religion Editor at the Edwin Mellen Press of Toronto and New York.

3. I hold a Bachelor of Arts degree in Philosophy (1962) from Quincy College, Quincy, Illinois; a Bachelor of Divinity degree (1966), magna cum laude, from Harvard Divinity School, Cambridge, Massachusetts; and a Ph.D. in Special Religious Studies (1981) from the University of St. Michael's College, Toronto School of Theology, Toronto, Ontario, Canada. I have also done advanced study at Harvard University, the University of Pennsylvania, and the University of Heidelberg, Germany. At the University of Heidelberg, I was a Fulbright Fellow, 1966-67. At the University of Pennsylvania, I was a National Defense Foreign Language Fellow, Title VI, 1968-69.

4. Since 1962, I have devoted intense study to religious sectarian movements, ancient and modern. A portion of my doctoral studies was focussed specifically on the rise of new religious movements in the United States and abroad since World War II. That study included the investigation of new religions in terms of their belief systems, lifestyles, use of religious language, leadership, motivation and sincerity, and the material conditions of their existence.

5. Prior to my present position, I taught at Maryville College, St. Louis, Missouri, 1980-81; St. Louis University, St. Louis, Missouri, 1977-79, where I was Graduate Director of the Masters Program in Religion and Education; the University of Toronto, Ontario, 1976-77, where I was Tutor in Comparative Religion; St. John's College, Santa Fe, New Mexico, 1970-75, where I was Tutor in the Great Books Program; LaSalle College, Philadelphia, Pennsylvania, Summers 1969-73, where I was Lecturer in Biblical Studies and the Anthropology of Religion; Boston College, Boston, Massachusetts, 1967-68, where I was Lecturer in Biblical Studies; and Newton College of the Sacred Heart, Newton, Massachusetts, where I was Lecturer in Biblical Studies.

6. I am a member in good standing of the American Academy of Religion, the Religious Education Association, the College Theology Society, the Council on Religion and Law, and am an associate member of the Christian Legal Society. I am a practicing Roman Catholic at All Saints Parish, University City, Missouri.

7. Since 1968, I have lectured and written about various new religious movements which have arisen in the 19th and 20th centuries in the United States. In my lecture courses "Anthropology of Religion" (LaSalle College), "Comparative Religion" (University of Toronto) and "The American Religious Experience" (St. Louis University), I have dealt with such religious movements as the Great Awakening, Shakerism, Mormonism, Seventh Day Adventism, Jehovah's Witnesses, New Harmony, Oneida, Brook Farm, Unification, Scientology, etc. I have published several articles and been general editor of books on the topic of new religions. It is my policy not to testify about



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a living religious group unless I have long-term, first-hand knowledge of that group. I have been invited to testify on various aspects of the new religions before the U.S. Congress, the Ohio legislature, the Illinois legislature, and the Kansas legislature. I have delivered lectures on the topic of the new religious movements at colleges and universities in the United States, Canada and Europe.

8. I have studied the Church of Scientology in depth since 1976. I have sufficiently sampled the vast literature of Scientology (its scriptures) to form the opinions expressed below. I have visited Scientology Churches in Toronto, Ontario, St. Louis, Missouri, Portland, Oregon, Clearwater, Florida, Los Angeles, and Paris, France, where I familiarized myself with the day-to-day operations of the Church. I have also conducted numerous interviews (spiritual biographies) of members of the Church of Scientology. I am also familiar with most of the literature written about Scientology, ranging from objective scholarship to journalistic accounts, both favorable and unfavorable.

9. The question has arisen in the minds of some as to whether Scientology is a religion. As a comparative scholar of religions, I maintain that for a movement to be a religion and for a group to constitute a church, it needs to manifest three characteristics, or marks, which are discernible in religions around the world. Below, I define these three characteristics.

(a) First, a religion must possess a system of beliefs or doctrines which relate the believers to the ultimate meaning of life (God, the Supreme Being, the Inner Light, the Infinite, etc.).



(b) Secondly, the system of beliefs must issue into religious practices which can be divided into 1) norms for behavior (positive commands and negative prohibitions or taboos) and 2) rites and ceremonies (sacraments, initiations, ordinations, sermons, prayers, services for funerals and marriages, etc.).

(b) Thirdly, the system of beliefs and practices must unite a body of believers so as to constitute an identifiable community which is either hierarchical or congregational in polity and which possesses a spiritual way of life in harmony with the ultimate meaning of life as perceived by the believers.

Not all religions will emphasize each of these characteristics to the same degree, but all will possess them in a perceptible way.

10. On the basis of these three criteria and of my research into the Church of Scientology, I can state without hesitation that the Church of Scientology constitutes a bona fide religion. It possesses all the marks of religion known around the world: (1) a well-defined belief system, (2) which issues into religious practices (positive and negative norms for behavior and religious rites and ceremonies), and (3) which sustain the body of believers in an identifiable religious community. In terms of their belief system, Scientologists believe that mankind is basically good, that the spirit can be saved, and that the healing of both physical and spiritual ills proceeds from the spirit, which they define as "thetan." According to Scientology belief, "thetan" is immortal and has assumed various bodies in "past lives." This doctrine has many affinities with the Buddhist belief in samsara or the transmigration of the soul. Belief in the Supreme Being is expressed in terms of the "Eighth Dynamic" which is equivalent to God or Infinity. The Creed of Scientology can be compared to the classic Catholic creed of Nicaea, the Lutheran Augsburg Confession and the Presbyterian Westminster Confession.



11. In terms of religious practices, Scientology has many ceremonial religious forms which can be found in traditional religious groups, such as initiation or baptism (which is called "naming" in Scientology), marriage, funerals, etc. However, the central religious practice of Scientology is auditing, which is comparable to the confession of sins and spiritual guidance among traditional religious groups. Scientologists make a distinction between reactive or passive mind and analytical or active mind. The reactive mind records what adherents call "engrams," which are like spiritual traces of pain, injury, or impact. The reactive mind is believed to retain engrams that go back to the fetal state and reach further back to past lives. The notion of engram is functionally equivalent to the notion of sin in Judaism and Christianity and bears close resemblance to the Buddhist doctrine of "threads of entanglement" which have held over from previous incarnations and which impede the attainment of enlightenment. Scientologists believe that unless one is freed from these engrams through the activation of analytical mind, one's survival ability, happiness, intelligence and spiritual well-being will be severely impaired. It is on this basis that adherents are motivated to go through the many stages of auditing. A beginner in the auditing process is called a "preclear" and one who has successfully discovered and erased all traces of past engrams is called a "clear." This distinction between preclear and clear may be compared to the traditional Christian distinction between sin and grace, as well as the Buddhist distinction between entanglement and enlightenment. Adherents who are at higher auditing levels are considered as striving to become "operating thetans" so that they may be at cause over matter, energy, space



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and time. While not opposed to consulting physicians for physical ailments, Scientologists have a firm taboo against the use of psychotropic drugs for the mental and spiritual healing of the soul. The bulk of Scientology ministerial practice is devoted to auditing, to courses for the training of auditors, who are like spiritual counsellors, and to achieving the many levels of spiritual enlightenment through the auditing process. These many levels of auditing and spiritual enlightenment are remarkably like the levels of religious and spiritual enlightenment in the noted Christian treatises, Journey of the Mind into God by St. Bonaventure, and the Spiritual Exercises by St. Ignatius of Loyola.

12. As with every known religion, Scientology has a communal life and ecclesiastical organization which serves to preserve and to propagate the belief system and to foster the religious practices. In ecclesiastical structure Scientology is hierarchical rather than congregational. Congregational religions exercise authority horizontally by locally electing ministers of churches, voting on reformulations of belief systems and religious practices, as well as church polity. Many Protestant denominations in the United States are congregational in polity. Hierarchical religions, on the other hand, exercise authority by appointment from the top down, either from a central religious figure such as the Pope in Roman Catholicism, the Dalai Lama in Tibetan Buddhism, and the Archbishop of Canterbury in Anglicanism, or from a central executive body, such as a synod of bishops or council of elders. Some religious groups such as the Missouri Synod Lutheran Church have a combination of congregational and hierarchical polities. In hierarchical religions, the church leaders are invested with the power to



interpret doctrine, modify religious practices and formulate polity. My study of the Church of Scientology showed me that it followed the traditional hierarchical type of church polity.

13. In the course of time certain religious and ecclesiastical practices of the Church of Scientology have come under criticism by outsiders and disaffected members. Those criticisms can be enumerated under four topics: (a) the "disconnection" of Church members from their natal families; (b) the information gathering practices of the Church; (c) the disciplinary practices associated with the Rehabilitation Project Force (RPF); and (d) the use and confidentiality of the Pre-Clear files (contained in what are known as PC folders) of upper level members of the Church.

Below I will discuss these issues one by one. But, first, some general remarks are in order. As noted above, religions are constituted not simply by beliefs, however unintelligible to the non-believer, but also by acts and practices (ethical norms and rites), both of which serve to shape a way of life for a community of believers. In general, a great amount of attention has been given to the varieties of belief among the religions of the world, while religious acts have been subordinated to illuminating those beliefs. Most definitions of religion focus on the belief system to the detriment of the religious practices and community. Hence, the attention given to religious acts has tended to be either minimal or slanted. When religious acts are noticed, that attention has frequently been prurient, that is, religious rites elicit interest only in so far as they are odd, bizarre or quaint. Both beliefs and religious acts, however, are like two gears which

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make the transmission (the way of life) of a community of believer go around. All three—beliefs, acts, and way of life—need to be looked at both separately and in conjunction.

(a) Many critics of the new religious movements, in general, and of Scientology, in particular, have claimed that converts have been deliberately induced to alienate themselves from their families and to devote themselves heart, mind and soul to their new-found religion. This claim and the tension between an older generation and new converts are neither a simple nor a new phenomenon.

I will address the complexity of the issue first. Here we are dealing, first, with a matter of media bias. Scholars of new religious movements have noted that newspaper, television and radio coverage of religion-related events keep pertinent information about mainline religions in the background while underlining that about the new ones. If, for example, two men, one an Episcopalian and the other a Jehovah's Witness are arrested for murder, the news headline about the Episcopalian will read "Man Kills Wife," while the one about the Jehovah's Witness will read "Jehovah's Witness Slays Mate."

Secondly, the media often lump all new religious movements together such that the practices of one are attributed to another which has completely different practices. Media coverage of innovative religious movements frequently fall into the age-old trap of the sweeping generalization: "If you have seen one, you have seen them all." Immediately after the Jonestown massacre—indeed a lamentable tragedy—the media started carrying articles about "suicide pacts" and "suicide drills" in other "cults" and ceased so



doing only when the evidence proved absent. So, too, alienation of new converts from parents and other relatives, while true about some new religious movements under some circumstances, quickly became attributed to all. My study of the new religious movements showed that "disconnection" between members and their relatives occurred the least among Scientologists.

Thirdly, my interviews with new converts of several new religions showed that friction between the young adult member and his or her parents—an often enough occurrence throughout American culture—often preceded the membership. Thus conversion to a religion, whether old or new, becomes the occasion but not the primary cause of the surfacing of long-standing family conflicts.

My studies show that contact with parents and others by members of new religions was nearly normal, even when the parents disapproved of membership in the new religion, until "deprogramming" became common. Because the new religions could not predict whether or not their members would be abducted when meetings were sought on the part of relatives, they naturally became guarded. Even on this score, Scientology was an exception for few of them were in fact "deprogrammed" at the instigation of their parents or other relatives.

Keeping in mind the complex factors sketched above, I can note that friction, tension, alienation, lack of communication between members of new religious movements and their parents is no more nor less than the same rifts that take place in every family known to me. Nor, in fact, are these rifts anything new in the history of religion. In his quest for spiritual

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enlightenment Gautama Buddha, born a Hindu prince, not only abandoned his parents, much to their dismay, but also his wife and children. Moses, reacting to the bondage of Israelite slaves under Egyptian domination, slew one of their persecutors and fled the comforts of the Egyptian court to encounter God in the desert of Midian. In the Middle Ages, both Thomas Aquinas, offspring of Neapolitan nobility, and Francis of Assisi, son of a wealthy Umbrian merchant, abandoned as youths their lives of ease and privilege, joined the urban youth movement of known as the Mendicants (Latin for "beggars"), and took vows of absolute poverty, chastity and obedience. Both Thomas and Francis were kidnapped and imprisoned by their parents and relatives who, to no avail, used methods remarkably like those used by modern "deprogrammers" in order to get them to abandon their ways. St. Thomas received the title "Angelic Doctor" by the Catholic Church because he resisted the blandishments of a prostitute employed by his brothers to get him to break his vow of chastity. Orthodox churchmen labelled members of the new mendicant orders, known today as Dominicans, Franciscans and Augustinians, as "dementes" (Latin for "insane") and "filii diaboli" ("sons of the devil"). St. Thomas even wrote the first anti-deprogramming treatise, entitled "Contra pestiferam doctrinam retrahentium homines a religionis ingressu" ("Against the Pernicious Doctrine of Those Dragging Youth Away from Entering Religious Life").

Martin Luther instigated a lifelong alienation with his father, who wanted him to become a lawyer with a lucrative income, by joining the Augustinian order. In turn, Luther created a rift within Christendom itself by attacking the practice of indulgences and holding to the doctrine of



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justification by faith alone. Similar rifts and alienations have occurred in American religious history, especially in the events surrounding the Great Awakening, which American historians recognize as a primary source for the rise of the democratic sentiment in America and the principle of freedom in religious conscience and practice. The Great Awakening was the beginning of revivalism in America, a religious tradition still espoused by many, most notably the Rev. Dr. Billy Graham. As noted by Jonathan Edwards in his "Faithful Narrative" (1737), the New England revival of religion began among the youth. This resurgence of piety among the young stirred such staid Harvard divines as Charles Chauncey to score the revivalists for "a certain wildness...discernible in their general look and air." Today deprogrammers attempt to convince parents that their offspring, often well educated and legally of majority age, display "glazed eyes" or have been "zapped" into being "zombies" by the single glance of a guru's eyes. The religions have changed but the charge remains the same.

In past and present religious history alienation from family and kin has been not only an unintended, and seemingly unavoidable, byproduct of the conflict between the old and the new but also a fundamental tenet of religious practice. Thus the monks and hermits of the third century onwards practiced "withdrawal from the world" because the world and its ways were believed to be "corrupt" and "under the dominion of the Prince of Darkness." The eremites of Asia Minor not only withdrew from the world but also their fellow monks, living alone in prayerful solitude in caves still to be seen in present-day Turkey. Members of contemplative orders, both in the West and the Far East, enter monasteries where rules of silence and solitude are so great

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that phone communication and letters to and from relatives are prohibited or restricted to a few feast days. As a member of the Franciscan order from 1958-64, I was allowed no phone communication with my relatives for the entire year of my novitiate, was not allowed to attend my grandfather's funeral, and received only one letter a month, which was subject to inspection by the master of novices.

The "disconnection" between parents and adult offspring in the new religions appears to be part and parcel of the immemorial conflict between the old and the new. Though the conflict may be immemorial, it is not immutable. My acquaintance with enduring members of the new religions, including Scientologists, suggests that over time familial rifts and disagreements become healed, especially as the member assumes positions of responsibility, gets further higher education, or marries and has children.

(b) The information gathering efforts of the Church of Scientology have stirred not a little controversy. I have heard it described as an "intelligence service" on the order of the Central Intelligence Agency and other governmental agencies. Though I in no way condone the violation of the lawful administration of government and the civil rights of others in the gathering and use of information, this aspect of the Church of Scientology deserves to be put in perspective.

First, scholars in many fields have noted that we live in an "information culture" of centralized data banks, computerized credit records, and electronic networking, etc. Just as early Christianity participated in the general culture of the Greco-Roman mystery religions with which it shared



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such initiation rituals as baptism, so the new religions of our time share in the informational "networking" culture of the late twentieth century. The speed with which information of all kinds travels among the new religions has continually amazed me, but the same amazement holds for the general business culture.

Secondly, Scientology is not alone among religions in having "intelligence" gathering services. It is well known that the Swiss Guards, formerly the mercenary protectors of such European monarchs as Louis XIV and now the protectors of the Pope of Rome, have intelligence units which gather and share information with other national intelligence agencies for the protection of the Pope and the benefit of the Vatican State. Furthermore, most religions—among whom I can name Greek Orthodoxy, Lutheranism, Presbyterianism, Episcopalianism, and Mormonism—have ecclesiastical tribunals, courts and councils of elders for maintaining purity of doctrine and practices. These ecclesiastical offices have information gathering powers for trying cases of heresy and church crimes such as sacrilege, annulling marriages, dispensing communicants from ecclesiastical impediments, compiling confidential dossiers on candidates to high ecclesiastical office, supervising seminaries, divinity schools and other institutions under ecclesiastical supervision.

Thirdly, while there has no doubt been some intrusion into government administration on the part of the new religions, their information gathering powers are dwarfed by those of modern states. The legislative, executive and judicial branches of government in the 1970's weighed heavily upon the new

religious movements. Witness the number of bills both in Congress and in State legislatures which espoused investigations into the "cults," denial of charitable status, conservatorships for deconverting adherents, and penalties for fraudulent belief. Local judiciaries have issued conservatorships on scanty evidence. Agencies of the executive such as the Immigration and Naturalization Service, the Internal Revenue Service, the Food and Drug Administration have been called upon to examine, scrutinize and issue reports about the internal practices of the new religions in a way that would arouse national furor if used against mainline religions. The response on the part of some new religions—among whom I would include the Church of Scientology—has been a sense of persecution and sometimes an aggressive pursuit of such laws as the Freedom of Information Act. In such a charged atmosphere neither religion nor state can flourish in their proper spheres. As the relation between the new religions and the state gets clarified and rectified by the higher courts, my expectation is that these skirmishes will diminish on both sides and both will be wiser and less wary of one another. Only then will religion and state be less inclined to view one another as conspiratorial enemies, which, unfortunately is the present perception on both sides.

(c) Another area for which the Church of Scientology is faulted is the manner with which it seemingly controls the daily life of its members, in general, and the apparently harsh discipline imposed upon Sea Org members in the Rehabilitation Project Force (RPF), in particular. In Scientology the Sea Org(anization) is composed of highly dedicated members who take vows of eternal service and live a life in community. The RPF discipline is used



when Sea Org members find themselves "non productive" or, in Scientology terminology, "stat crashers." In these situations, members are put on a definite schedule, spend several hours a day studying Scientology Technology, and have co-auditing sessions to achieve what believers call "release" and "full cleanup." Members do physical labor, but also get lots of healthy food and lots of rest.

Critics of the new religions charge that this kind of discipline constitutes "mind" and "milieu control" of the sort used by the Chinese Communists to enforce political re-indoctrination after the Communist takeover in 1949. The aim and goal of the RPF however is entirely different than that of the Communists in China. The Communists wanted to guarantee political uniformity, whereas the Scientologist wants spiritual "release" and "enlightenment" as "an immortal thetan." Secondly, Chinese peasants were forced into the re-indoctrination programs, whereas the Scientologists freely participates in the RPF program as a consequence of his or her vows of eternal service. Thus the proper comparison is not to political but to spiritual disciplines, which are present in every religion known to me and which I have undergone myself.

When a young adult enters a contemplative order such as the Trappists or Carmelites, that person takes vows of poverty, chastity and obedience to superiors. The novice, or new member, cuts all ties with family and worldly concerns. Men receive the tonsure (shaving of the head) and women have their locks shorn to signify the renunciation of worldly vanity. In ceremonies, involving women entrants into religious orders that I have witnessed, the nun

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enters the chapel wearing a bridal garment to symbolize that she is about to enter a spiritual marriage with Christ. The garments are then removed, her hair is shorn, and she is invested with the habit of the order, which is often made of plain wool.

Contemplatives, monks, mendicants and other religious societies not only take the three vows mentioned above, but also commit themselves to other religious practices such as long hours of meditation each day, periods of manual labor, midnight choir (the singing of Psalms), fasting during Lent and Advent, study of the rule of the order and other spiritual writings, and silence. As member of the Franciscan Order (which I left voluntarily and was free to do so), I myself freely submitted to the religious practice of flagellation on Fridays, striking the legs and back with a small whip to mortify the desires of the flesh and to commemorate the flagellation of Jesus Christ before his crucifixion. In the tradition of St. Benedict's dictum "ora et labora" (Latin for "pray and work"), I also spent several hours each day, with the exception of Sunday, doing physical labor, including woodworking, tending a garden, cleaning floors, washing laundry, peeling potatoes, etc. These tasks were assigned to me by my superiors, and because I took a vow of obedience, I did them. Furthermore, as a mendicant, I took a vow of absolute poverty such that I owned absolutely no material possessions, including the robe which I wore. When rules of the monastery are broken, monks and friars are regularly assigned menial tasks as penances. Compared with these Roman Catholic practices, the practices of the RPF are not only not bizarre but even mild.



The RPF program can also be compared to spiritual retreats conducted by many religions in order to restructure believers' lives, including their secular life, and to provide refreshment for the soul. The Jesuits, much like the Sea Org members, have a period of retreat and rededication which is called Tertianship after undergoing a period of temporary vows. During Tertianship the Jesuit practices the "Spiritual Exercises" of St. Ignatius of Loyola, founder of the Society of Jesus. After Tertianship a Jesuit takes a fourth vow of special obedience to the Pope, much as the Sea Org members take vows of "eternal service."

Just as the Sea Org members who go through the RPF discipline to obtain "release" and "full cleanup" for the sake of redemption or salvation, so religions around the world have practiced sometimes stringent disciplines in order to attain "samsara" (escape from the cycle of rebirth in Hinduism), "moksa" (Buddhism), "satori" (Zen), the "beatific vision" (Roman Catholicism, Greek Orthodoxy), or communication with heavenly beings such as angels or transcendent "Masters" such as the theosophic Master of St. Germain believed in by the I Am religious group. (Perhaps it is worth mentioning that the beliefs and practices of the I Amers were the subject of the famous Supreme Court case U.S. v. Ballard in 1944).

It is my opinion that the spiritual disciplines and practices, such as the Rehabilitation Project Force, of the Church of Scientology are not only not unusual or even strange but characteristic of religion itself when compared with religious practices known around the world. Contrary to the generally second-hand opinions of outsiders and to the claims of disaffected

members, whose motives are suspect, I would say that submission to such practices is not due to browbeating on the part of church leaders but follows as a natural consequence from a free religious commitment to a spiritual discipline in the first place.

(d) Another religious practice of the Church of Scientology which has come under scrutiny is the issue of the confidentiality exercised with respect to the auditing records of members and especially of the "pre-clear files" of upper-level church members. I find the practice of the Church of Scientology in this regard fully in keeping with the practices of other religions.

In general, there are two fundamental reasons why churches, including the Church of Scientology, seek confidentiality with regard to unauthorized examination of spiritual records. The first is to preserve the sanctity of the spiritual privacy of the believer. The second is to safeguard the integrity of a religion's innermost sacred doctrines.

In regard to the first reason, the spiritual privacy of the believer, Scientology is like every religion known to me. The Roman Catholic Church protects the priest-penitent relationship with the severest of sanctions, including dismissal from priestly office and expulsion from the Church itself. Upon ordination priests take an oath of the "confessional seal" before they are allowed to hear the confession of sins and administer official spiritual counselling. My pastor, a Monsignor in the Roman Catholic Church, has testified to me that he would undergo imprisonment and death before revealing the contents of any confession, whether this revelation was



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demanded by the President of the United States or by the Pope of Rome. Furthermore, each Roman Catholic archdiocese possesses a sealed religious archive to which only the Bishop or Vicar General may grant access. Such archives include files on the spiritual lives and morals of the clergy and the religious orders, dispensations from impediments to the reception of the sacraments like marriage or ordination, judgments from ecclesiastical trials, unproven denunciations, episcopal admonitions and reprimands to believers. The strict regulations regarding the use of these archives are contained in what is known as the "Corpus Juris Canonici" or Code of Canon Law. Among such regulations are included rules for documented authorization of the use of the files, oaths of absolute secrecy, control over the amount of information to which a user may have access, limitations on historians researching deceased persons, etc. Abuse of the archive and unauthorized divulging of information can bring severe penalties, including demotion from office, penances and even excommunication.

Most Protestant denominations have similar regulations and penalties in their respective church polities. Likewise Scientology has codes of conduct for auditors and other officials regarding authorized files. The Church does not allow any outsider access to a parishioner's files as a matter of priest-penitent privilege, as is the case with other churches. Confidentiality of this type of material touches on the nerve center of religion itself. The historical record shows that no church lightly suffers the intrusion into such records by the government or any other outside agency. The history of the Reign of Terror in France reveals the great number of priests who went to the guillotine rather than break the

confessional seal.

The second reason, the safeguarding of a religion's innermost religious doctrine, is also a motive for preserving the confidentiality of ecclesiastical files and records. As an outside scholar, I naturally had no access to Scientology auditing files. My interviews with members, however, showed that during the auditing process, especially with regard to upper level members, matters calling for religious interpretation or appointment to higher church office often came up. The same kinds of questions come up in Roman Catholicism, Episcopalianism and the Orthodox Church when fundamental beliefs come into question or someone is a candidate for a bishopric or higher office and the files collected on the candidate are protected in the exactly same way.

Historically speaking, many past religions were led toward policies of confidentiality because public dissemination of personal spiritual information and more complicated religious doctrines led to abuse, outside ridicule of beliefs, theological disputes which spilled over into the secular arena and hostile misinterpretation. A religion's guarding of its personal ecclesiastical files and its innermost teachings is like a sacred patent, comparable to the secular practice of protecting industrial patents and processes on the part of business corporations. Failure to protect these sacred patents would violate each believer's trust and lead to the disintegration of the religion itself.

14. Throughout religious history many acts and practices of religious groups have elicited strong reaction from the surrounding society. Thus the



Romans saw the early Christian ceremonies as "superstition" and as occasions for plotting sedition. Luther scored the ceremonial pomp of the Roman Curia as "more corrupt than Babylon and Sodom." Many outsiders and even Catholics condemned Jesuit moral theology as "casuistry" with such great vehemence that the term "jesuitical" became synonymous with the terms casuistic and devious. To the westerner the Jain practice of "ahimsa"—not harming any form of life, even to the extent of wearing masks like those used in surgery lest a gnat be inadvertently killed—can seem downright ludicrous. The Amish practice of not wearing buttons or using tractors and electricity because they are showy and hinder the "plain life" enjoined by the Bible strike most Americans as unprogressive, at worst, and quaint, at best.

Many find the practices of Jewish Orthodoxy unusual and incomprehensible. Orthodox Jews follow strictly the laws of Deuteronomy and Leviticus. They do not mix milk with meat, weave linen with wool, sow wheat with barley or eat any animal which mixes the categories of creation sketched in the first chapter of the Book of Genesis as a matter of religious principle. All such mixings are deemed "unclean" and contrary to God's will in "separating" or "dividing" the orders of creation. To the Orthodox Jew these practices entail great inconveniences, such as keeping two completely separate sets of eating and cooking utensils. These food laws are not kept under compulsion but out of a desire to keep holy the ways of the Lord.

To the outsider, to sceptics and to agnostics, the religious practices I have discussed above might appear as nonsensical, primitive, devious, manipulative, or oppressive. But, just as belief is in the mind of the

believer, so religious practice issues from the body of the believer to give concrete evidence and assurance of release from sin, impurity or spiritual ignorance and to signify to all the hope of redemption, salvation or enlightenment.



Given this 14th day of July, 1985, in St. Louis, Missouri.

Frank K. Flinn  
Frank K. Flinn, B.D., Ph.D.

State of Missouri     )  
                              ) ss  
County of St. Louis    )

Sworn and subscribed before me this 14th day of July, 1985

M. L. Lally

Notary Public

My commission expires 2/27/87

1 JOHN G. PETERSON, ESQ.  
PETERSON & BRYNAN  
2 8530 Wilshire Boulevard, Suite 407  
Beverly Hills, California 90211  
3 (213) 659-9965

4 DONALD C. RANDOLPH  
CHARLOTTE I. ASHMUN  
5 Members of  
OVERLAND, BERKE, WESLEY, GITS,  
6 RANDOLPH & LEVANAS  
A Professional Corporation  
7 2566 Overland Avenue, Seventh Floor  
Los Angeles, California 90064  
8 (213) 559-8150

9 Attorneys for Plaintiff and Cross-Defendant  
Church of Scientology of California  
10

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA

12 FOR THE COUNTY OF LOS ANGELES

13 CHURCH OF SCIENTOLOGY OF )  
CALIFORNIA, a California )  
14 Corporation, )

15 Plaintiff, )

16 v. )

17 GERALD ARMSTRONG, et al., )

18 Defendants. )  
19

20 AND RELATED CROSS-ACTION )  
21

CASE NO. C 420153

DECLARATION OF REVEREND  
KEN HODEN IN RESPONSE  
TO JULY 2, 1985  
DISCOVERY ORDER

21 I, REVEREND KEN HODEN, declare as follows:

22 1. I am the President of the Church of Scientology of  
23 Los Angeles. I have been a staff minister with the Church of  
24 Scientology for the past 11 years and have received and  
25 delivered thousands of hours of pastoral counselling  
26 (auditing).

EXHIBIT 3 PAGE 1

27 2. In its order of July 2, 1985, the Court refers to  
28 "verbatim as well as sum and substance type recitals" from



1 the preclear folders. "Verbatim" and "sum and substance type  
2 recitals" are not part of the auditing process and do not  
3 appear in any of the internal Church scriptures specifying  
4 what an auditor writes down in session. The Court specifies  
5 material to be turned over including "name of interviewer."  
6 An auditing session is not an "interview" and to refer to it  
7 as such is a blatant degradation of this religious practice.

8 3. Materials and information stored or recorded within  
9 the confessional folders (PC folders) are confidential and  
10 privileged. Our religious doctrine prohibits any parishioner  
11 or person receiving pastoral counselling (auditing) from  
12 viewing the contents of their folders. Our religious  
13 doctrines also prohibit any external dissemination of  
14 preclear folders. Even our attorneys are forbidden to review  
15 these folders. The only people who are allowed to view the  
16 pastoral counselling folders are authorized Church ministers.

17 4. I myself have 24 confessional folders (PC Folders),  
18 each one containing some 300 pages, and I have never seen  
19 the contents of these folders, and I am the President of the  
20 Church.

21 5. The Court refers to GO 121669 for justification in  
22 saying that the clergyman-penitent does not apply for the  
23 time period during which Armstrong was a member of the Church.  
24 The Court refers to GO 121669 for justification for  
25 abolishing the clergyman-penitent privilege. Yet nowhere does  
26 the program call for a) external dissemination of the  
27 preclear folder or b) use of information against anyone.

28 6. To cause preclear folders or preclear folder

250 3 102

1 information to be released from the care and control of  
2 authorized Church ministers is to cause the destruction of  
3 its parishioners' religious freedom and would be a severe  
4 violation of Church ecclesiastical policies.

5 Executed this 29th day of July, 1985, in Los Angeles,  
6 California.

7 I declare under penalty of perjury that the foregoing is  
8 true and correct.

9  
10   
11 REVEREND KEN HODEN



- 15 July 79 Write up of his connection with blown staff Nancy Francis. Said he kissed her a few times, encouraged her to handle her 2D problems with husband Tom Francis. When it appeared she was adamant on divorce he took her to Tijuana
- 12 Aug 79 Gerry is promoted to Ensign( prov) by order signed by LRH. Flag Conditions order 3677
- 30 Aug 79 Shelly, R Services Chief writes Gerry has not handled Brenda Black yet. Everytime she is sent to get something she spends a long time finding it. Maybe someone else should be put in charge of LRH's gear.
- 6 Sept 79 Signs a security pledge not to reveal anything about the Church's confidential actions in Calif or any other part of the world.
- 28 Sept 79 Norm Starkey writes a report that Gerry has been a good worker and always put duty first, and could be trusted.
- 29 Sept 79 Gerry writes to Dir I & R and says he doesn't want to be on any justice actions for a while as he has too much work & his seniors are swayed, and the one he just finished caused him to lose too much sleep- making driving dangerous.
- 20 Oct Gerry is the chairman on a comm ev on Becky Pook.
- 3 Nov 79 Commendation from Jon Horvich for handling some R Benos cycles/
- 7 Nov 79 Compliance report to LRH to order dated 24 Sept 79- to work out a solution so the wet areas outside the house don't get tracked in on the carpets. He did the cycle- getting indoor and outdoor carpet mats.
- 6 Dec 79 Gerry requests a chit from Anne Taskett be withdrawn. Says he gave incomplete data to his seniors and upset s were caused as a result. ( Ann says this)
- Jan 80 Gerry Flew from the purif- no comm to the C/S at all.

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GERRY ARMSTRONG'S NAME IS ON A LIST OF PEOPLE WHOSE PARENTS HAVE GIVEN SCIENTOLOGY A HARD TIME.

- Feb 18 80 Report( Commendation chit)O From Dawn Praeger to Laurel states Gerry did a lot of research into DIVY BOMBER. Was thanking Laurel for her help at a SEF event. Chit same date on Gerry ( Commendation) states he did a lot of work researching LRH's role in the film- Dive Bomber.
- 7 Apr 80 Gerry got off an ov in session that he had an out 2D with Liz Lee.
- 9 Apr 80 Does lowers on first dynamic( Doubt) on up.
- 8 Apr 80 Report from Laurel Sullivan- says he did documentation on the purif- very thorough- is back on the biographical material, that in some cases he does what he wants to - regardless of orders. He is now auditing on OT I & II- which is his first case progress in a long time. He isn't get along with Shirley but this got sorted out when Laurel threatened to throw them both out in the hall.



GERRY ARMSTRONG PROJECT

17 Feb 82

Project information: Gerry Armstrong is a blown SO Member who had access to a lot of sensitive information; he is now disaffected, from what we can see. He is hiding out apparently. He knows the GO has been looking into him, so he has been laying low to avoid this. So we don't know where he is currently and he is expecting us to approach him on a covert line. So this presents the trickiest of problems. It would undoubtedly antagonize him further if any of our investigation efforts became known to him. We still need to know what he's up to.

Project purpose: To obtain a means of predicting Armstrong's activity in such a way that there is no possibility of backflash.

Step 1) The first thing we need to do is to locate him. Those few people who know where he is probably are on the look out for GO inquiries. However, he is going to have to get a job soon to earn a living, by law he must notify the DMV when he moves - he might do this, and there are other things like that which can be checked and which may give us his location once he starts operating in the wog world again. These can be checked once we get his birthday and social security number. These should be available from his personnel records and his treasury records. So the steps would be:  
a) Telex Flag and SU to locate his personnel file and to get his ss number from payroll records.  
b) Use this data to check DMV, the post office, or any other source to locate him in a way that he would not be aware of it.

Step 2) Go through his files and folders to extract the names of people who knew him and who are still well connected up and completely trustworthy. Interview these people to find out who Gerry's close friends were and to see if he had any relatives in this area (we could then follow up to see if he might be staying with them).

Step 3) Determine which locations would be likely places that Gerry might be staying, assuming that he would be staying with friends or relatives. Check these out, either by physical surveillance or other means, to determine if he's there.

Step 4) Note that Gerry had tried to get OVG to hire him as a researcher after he blew. It could be that he gave a PT address to OVG. This should be checked out by going through the proper people who have a line to OVG to see if this can be done or if he has it.

Step 5) Conditional: If GA has not been located at this point by doing the above steps, then review what has been done and work out further actions that could be done to locate him.

Step 6) Once he is located, determine where he is currently working. This may entail following him to see where he works.

Step 7) Once it is established where he works, see what opportunities might exist there for setting up an inquiry line from an apparent "wog" angle. He might not be expecting that at all.

Step 8) Review his files for people who had a good commline with him and who are no longer on staff, and who would be trustworthy.

Step 9) Once the list of candidates has been selected from step 8 above, do a complete check on these people (discreetly) to see what their current status, demeanor, attitude, etc., are as regards their potential willingness to help us on this cycle.

Step 10) Using standard and discreet recruitment tech, interview the trustworthy candidates to see if they can be used as a resource.

- more -

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Step 11) Arrange a suitable cover story and other standard procedures, such as a plausible reason for the resource to be contacting GA, etc.

Step 12) Initiate the commline and procede from there, on that line.

Step 13) Have a PT investigation done on Scott Brown in Phoenix, Arizona. He was running a squirrel group there and may have some sort of group going that could be entered by a public person. This needs to be checked out either via LV GO, or simply by sending a GLA resource to Phoenix for a day or two.

Step 14) Conditional: If it looks lika an entrance point can be arranged through Scott Brown in Phoenix, this will have to be separately targetted out and persued. Perhaps we could get someone connected up to him in Phoenix who then moves to LA and connects up with the Brown family or Gerry here. That might be sufficiently subtle; GA might not suspect someone from Phoenix as he knows we don't have a GO there.

Step 15) Persue the potential existing line that might be available to us via a trusted GAS who is a writer and who is respected by Gerry. This would require some reach from Gerry, though, as he might be suspicious if this GAS made a big reach for him.

Step 16) If the product has not been achieved at this point, review the steps taken so far and debug or replan as needed.

End.

(166)  
PAC Mgmt Chief US  
cc: AG GLA

cc: PES USGO  
cc: DG I US  
cc: Org P&E Info US

DAILY REPORT

AG I GLA

22 Feb 82

Dear Roberta,

RE: GERRY ARMSTRONG

Today we telexed SU via DG I US to get Gerry's birthday and social security number from his payroll records. That will enable us to check other areas in the wog world to see if he can be located.

We also verified that his wife's parents were last known to be living in Phoenix. That means that with his parents in Vancouver and hers in Phoenix, that will make it harder to verify our theory that they would be staying with one of their parents' houses.

Also today, Debbie liased with DG I US to see how we can check with OVG to see if he knows anything about Gerry's whereabouts.

It has become obvious to us that there is a lot of omitted data on Gerry - that even though SU and Flag have sent us all their files on him, there still seems to be a lot missing. So tomorrow we will go through all his files to look for indicators as to where more files might be, and also to see who might be able to give us any information about him or any misdeeds he may have committed while on staff.

That's all. This is OK.

ML,

Brad

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DECLARATION OF GERALD ARMSTRONG

I, GERALD ARMSTRONG, declare:

(1) In the case of Julie Christofferson-Titchbourne v. Church of Scientology of California, et al., Multnomah County, Oregon, Circuit Court No. 7704-05184, currently being tried in Portland, Oregon, defendant organization was ordered to produce my B-1 files. B-1 is Bureau One, the Intelligence Bureau of the Guardian's Office.

(2) Although the names B-1 and Guardian's Office have been changed, the same intelligence functions are still performed by Scientology connected organizations. I was present in court during the Christofferson trial, when Howard Gutfeld, a Scientology representative, testified that B-1, intelligence files and private investigator reports are now maintained in the Office of Special Affairs, a branch of Scientology.

(3) Defendant organization in Christofferson produced approximately five inches of materials from my B-1 files. Many of the intelligence reports or operations programs referenced in the B-1 materials produced, have been deleted by defendant organization. Nevertheless, the materials which were produced are completely relevant in the instant case. The materials produced are all internal Scientology correspondence or programs, and there is no correspondence to or from attorneys.

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H.

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(4) There are numerous references to my preclear (pc) files in the produced B-1 materials, and there are entries in the B-1 time track, the chronology that forms part of the B-1 materials, which show unequivocally that Scientology intelligence personnel had my pc files after I left the organization, and excerpted data for intelligence use. One such entry uses the words "in session" as source of an account of a sexual encounter I had with a woman. "In session" means that the information came from the auditor's reports in an "auditing session."

(5) My pc folders were used as well in the operation by Scientology/Hubbard against me which resulted in the illegal videotaping of me in a series of conversations with individuals who represented to me that they sought to reform the organization and correct its abuses. There are statements on the videotapes which substantiate the fact that my pc folders were used as a lure to entrap me.

(6) Just after the trial in the defense part of the instant case and just prior to my going to London, England to testify in a child custody case, I received a call from someone whom I later confirmed was "Joey," the intelligence operative videotaped along with me in the November 7 and 9, 1984 meetings. In the telephone call, Joey said that my pc folders were being moved and I would be able to get them if I wanted. He said that my folders would be in a certain place the next night where I would be able to pick them up.



I asked him if it could be at all construed that I would be accepting stolen property and he said he didn't know. For that reason and because I was leaving for London, I declined Joey's offer. This phone call is discussed in the November 7, 1984 videotape.

(7) In another November, 1984 meeting with Mike Rinder, another Scientology operative, which meeting was also surreptitiously videotaped, my pc folders were also discussed. Rinder stated that (following the Armstrong trial) my folders were moved from Clearwater. This was probably a lie, since the whole operation against me was based on lies by the organization, but it did show Rinder's knowledge of the use of my pc folders in the operation.

(8) The idea to use my pc folders to entrap me arose from a "debrief" by my former wife, Terri Gamboa, of a meeting we had in March, 1984 just prior to the Armstrong trial. This "debrief," attached hereto as Attachment A, was recently produced by Scientology as part of my B-1 files and was admitted into evidence in the Christofferson trial. The "briefing" and all other programs and documentation which arose from this "debrief," have not been produced.

(9) Regarding my pc folders, Mrs. Gamboa states in Attachment A, page 4, paragraphs 6 and 7:

"An important point for him was getting his pc folders back as he feels that that's the solution

to his future sanity. He brought this up several times.


A line has been established with him and possibly this can be built up from here and used again in the future. He is desperate and he has no way out at this point."

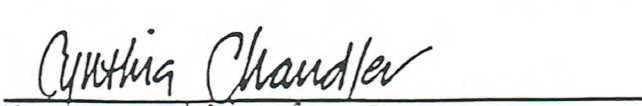
Terri Gamboa was then working for Author Services, Inc., yet the "debrief" was in Scientology intelligence files.

(10) There is no doubt that Scientology/Hubbard or their connected corporations have used my pc folders, and used the information and the folders themselves to entrap, intimidate and destroy me. The folders and contents are mine and these organizations do not have the remotest right to them.

Sworn under the pains and penalties of perjury this 7th day of May, 1985.

Executed at Portland, Oregon.

  
GERALD ARMSTRONG

  
Cynthia Chandler  
Notary Public for Oregon  
My Commission expires: 5/11/87





12 March 1984

DEBRIEF - GERRY ARMSTRONG MEETING - 8 MARCH 84

I met with Gerry Armstrong on Thursday, 8 March 84 to see if I could do any kind of a handling on him to get him to knock off the war and back out of the suit or anything in this direction.

I phoned him on Tuesday the 6th and told him that I would like to meet with him as a friend to see if I could help him in any way. He was agreeable to a meeting, I asked if he was going to bring his wife and he said he would see if she wanted to come and if she did then she would come, otherwise she wouldn't. (He was in Apathy/Boredom)

On Thursday I met with him at 10:00 in the morning up at the Griffith Park Observatory. I arrived 20 minutes late. They drove up behind me, but I found out they had waited 20 minutes and given up, they left but saw me coming up the hill so turned around and came back. So they definitely wanted the meeting. His wife did come so I asked if she could wait for us as I wanted to speak to him alone. They agreed to this.

From the point that he had gotten out of the car, he looked very hostile with a very stern face. His eyes and face looked very insane.

He came over to me and we walked away to talk and I just opened up with regular small talk but the first thing he did was stick his notebook in my face and written on it was "You said that you could help me, so how can you help me?"

Anytime I tried to say something to him, he would just put the notebook in front of me without saying a word, in other words, he didn't want to give me any information or get into anything other than hear what I had to say and how I could help.

I told him that I just wanted to see him uninvolved from all this, I didn't think he needed to keep carrying on this war and that he could end it just by getting out of the suit before it got worse for him and before he ended up owing even more money.

He started to rant and rave to me about how Scientology and LRH had lost him 15 years of his life because it had done him in and jerked him around and screwed him over and so on and so on, ranting and raving insanely. He definitely wanted to get



out of the suit but has a \$100 to \$150,000 debt to his attorneys which he absolutely must pay as they are his "friends" and he "owes them his life for saving him from all this".

I pointed out that he stole the documents and started this whole thing himself, all he had to do was give back the documents and he could end the whole thing. He disagreed of course that he had stolen the documents and said that those documents are vital to proving that he's been screwed around and jerked around with for years. He wants his pc folders very much so that he can regain his sanity by "sorting out what Scientology did to him and unravel it". He kept hinting at wanting some sort of an offer from the Church to help him pay off the attorneys as he is not willing to step out of this and be left economically busted for the rest of his life, as he puts it. I pointed out that there is no way that the Church is going to pay any of his attorney bills as he stole the documents and started the whole thing - the best he can do is to get out before it's worse.

I told him about the recent win in the LA case where the judge ruled that Scientology is a religion etc., etc.... He mentioned that he didn't know about this, but so what type of a response.

He would consistently rant and rave about how Scientology is screwing the world and it's worse than the government and this and that. He would flip into about 100 different valences all at once. He said that he still thinks I'm over the litigation and who am I going to go back and report to and did I get what I came for and here I am just jerking him around like all the others. He saw Marty already and he got jerked around by Marty and now he's getting jerked around by me.

I told him he was jerking me around as I came as a friend to talk to him and he wasn't even willing to talk he just ranted and raved about things that I don't even want to hear, and he might think and believe those things on Scientology and LRH and that's fine but there's millions of other people who don't and I don't and I didn't come here to listen to him carry on about this bullshit. At this point he would knock it off as he could see that I was willing to end the meeting if he did continue. Then we would start having a somewhat sane discussion for a few minutes before the ranting and raving started up again. He compulsively had to rant and rave about Scientology and LRH.

Then he started telling me about his little bird that he has at home and how it speaks 100 different words and it's the sanest part of his life. And then in the middle of this decent conversation, he blurts out "And don't you send one of your people around to kill him!".



up at Griffith Park he would constantly look around, in the bushes and check everywhere in case I had set him up. Somebody burst a balloon up there and he almost had a heart attack thinking someone had fired a shot at him.

He said that Scientology has operations out on him trying to kill him and someone (one of us) tried to run him off the freeway and so on. Then he said that he would rather be dead than fighting this way and maybe we would do him the favor of killing him because then it would be all over and he wouldn't have to worry about it anymore and he'd be dead. He said how he can't have any friends because he's afraid of getting close to anybody in case they're a spy for Scientology or whatever. He brought up the SP declare and all the things that are stated in it and how they were not true and they're very out of hand. He again mentioned his pc folders and asked me if I could pass on a message that he wanted his pc folders back. He then asked me to take a message back - "Here I'll give you something to take back to them...If I delivered all the documents to the Church, would they agree they could never be made public under any circumstances, or barring that, under what circumstances would they be made public?" He said "Ask them that, I'd like to know that."

I then asked him why he wanted to know the above as the way he said it was very different from the way he had just been carrying on - it was like a change in his insane ravings and it didn't fit in with his other statements, so I asked him why did he want to know this.

He didn't answer me for awhile (he was sort of daydreaming) and then finally said he didn't know and didn't care and he didn't really want the answer to the question anyway, he just threw it out there and it wasn't really him asking the question anyway. He didn't ask the question, he didn't want to know, it was just during one of his moments of insanity. He said that this whole case and procedure is driving him insane.

I told him I was sorry I couldn't be of more help, but if in the future there was some way I could help him, he could give me a call, he had my phone number already, so I left the line open for the future. I recommended to him that he take a vacation to get away from it all and just let himself destimulate. He said he can't because he's got a trial coming up on the 22nd of March. We started walking back towards the cars and as I walked towards my car, he said "where are you going?", I said "I'm going to my car", he said "Well, uh..." (obviously stalling and wanting to still continue the conversation but not really knowing what to say), he then said "Well don't you want to talk to Jocelyn?" (his wife). I said if you want me to I will. He said "Well I think she might want to talk to you or I think it would be good if you talk to her." We went over to where his wife was standing 362



As soon as we got there he switched again to a totally different valence and in a very 1.1 type comment he said "So did you get what you came here for? Are you satisfied? Did you get the data you wanted?" She caught on that something was strange and said "Are you finished talking or do you want me to leave while you continue your discussions?" He said "No, that's fine, we're done." Then he said to me again, "Well did you feel you accomplished much?" And I said, "Well, I'd have to ask you, because I came here to help you, so if you don't feel I was any help, then obviously not." That shut him up and he stopped attacking me. He asked his wife if she wanted to speak to me and she said "I have nothing to say", so I didn't speak with her. I just gave her a friendly smile and indicated we could talk if she wanted to. She didn't. We walked towards the cars and he asked me if my last name was still Gamboa and I said it was. And then we bid each other good-bye and drove away.

#### SUMMARY

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To sum it up, he was pretty nutso and very hard to communicate with as he would be in the middle of a ranting and raving insanity and I'd find that I would have to constantly try and communicate through this. I'd get him to knock it off for a second so that I could actually communicate to him and this would actually work, but then within the next couple of minutes he'd be back into it again so it wouldn't last long.

I did at least establish a comm line with him and I think it is something that I can build on in the future if we want to. He is willing to meet with me and talk with me, however, he trusts no one. He lives in a world of total fear and paranoia of everything and everybody.

It is obvious to me and clear by his statements and actions that he definitely wants out of this suit and he definitely wants help. But he needs the money to pay off his attorneys and that's what he's after - he's hoping that the Church will give him an offer. He has no other way out in his eyes and no way does he want to drop out of this with a debt that will last him for the rest of his life.

He is very desperate for a way out and I feel he would be willing to talk to anybody who might have anything to suggest, only because he'd be hoping that they're going to offer him something that will actually help.

An important point for him was getting his pc folders back as he feels that that's the solution to his future sanity. He brought this up several times.

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A line has been established with him and possibly this can be built up from here and used again in the future. He is



Page 5

operate and he has no way out at this point.

Terri Gamboa

HUBBARD COMMUNICATIONS OFFICE  
Saint Hill Manor, East Grinstead, Sussex

HCO BULLETIN OF 24 AUGUST 1964

Remimeo  
Schil Students  
Franchise



SCIENTOLOGY I TO VI

SESSION MUST-NOTS

Not that you would do such a thing—you undoubtedly already know better. But just as a matter of record, the following session must-nots should be taught in letters of fire to any new auditor.

I

NEVER tell a pc what his present time problem is.

*The pc's PTP is exactly and only what the pc thinks or says it is.*

To tell a pc what his PTP is and then audit what the auditor said it was will inevitably ARC Break the pc.

This of course is under the heading of Evaluation in the Auditor's Code and is one way of evaluating, a very serious way too.

II

NEVER set a goal for a pc.

Don't set a session goal, a life or livingness goal or any other kind of a goal.

Auditors get tangled up on this because everybody has the same R6 goals and when you call out the next goal from the list it appears you are giving the pc a goal. But an R6 educated pc knows that and it isn't evaluation.

Other goals are highly variable. The pc's life and livingness goals and session goals are especially variable pc to pc and even within one session on the same pc.

To tell a pc what goals to set for a session or for life is to upset the pc.

If you don't believe it, trace some pc's upsets with their parents and you will find these usually trace back to the parents' setting life and livingness goals for the child or youth.

The pc's session and life and livingness goals are the pc's and for an auditor to deny, refute, criticize or try to change them gives ARC Breaks; and for an auditor to dream up a brand new one for the pc is especially evaluative.

III

NEVER tell a pc what's wrong with him physically or assume that you know.

What's wrong with the pc is whatever the pc says or thinks is wrong physically.

This applies of course only to processing, for if you weren't auditing the person, and if the person had a sore foot and you found a splinter in it and told him so, it would be all right. But even in this case the person would have had to tell you he had a sore foot.

The main reason society has such a distaste for medical doctors is the MDs' continuous "diagnosis" of things the person has *not* complained of. The violence of

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I.



surgery, the destruction of lives by medical treatment rather educates people not to mention certain things. Instinctively the patient knows that the treatment may leave him or her in much worse condition and so sometimes hides things. For the medical doctor to cry "Aha" and tell the person he or she has some undefinable ill is to drive many into deep apathy and accounts for the high frequency of operational shock wherein the person just doesn't recover.

So NEVER tell a pc what is physically wrong with him. If you suspect something is physically wrong that some known physical treatment might cure send the pc for a physical check-up just to be safe.

In the field of healing by mental or spiritual means, the pc is sick because he or she has had a series of considerations about being sick. Deformity or illness, according to the tenets of mental healing, traces back to mentally created or re-created masses, engrams or ideas which can be either de-stimulated or erased completely. De-stimulation results in a temporary recovery for an indefinite period (which is nonetheless a recovery). Erasure results in permanent recovery. (De-stimulation is the most certain, feasible and most rewarding action below Level VI; erasure below Level VI is too prone to error in unskilled hands as experience has taught us.)

The reality of the auditor is often violated by a pc's statement of what ails him. The pc is stone blind—but the pc says he has "foot trouble". Obviously, from the auditor's viewpoint, it is blindness that troubles this pc. BUT IF THE AUDITOR TRIED TO AUDIT THE AILMENT THE PC HAS NOT OFFERED, AN ARC BREAK WILL OCCUR.

The pc is ailing from what the pc is ailing from, not from what the auditor selects.

For it is the statement of the pc that is the first available lock on a chain of incidents and to refuse it is to cut the pc's communication and to refuse the lock. After that you won't be able to help this pc and that's that.

#### PERMITTED AUDITOR STATEMENTS

There are, however, two areas where the auditor must make a statement to the pc and assume the initiative.

These are in the OVERT—MOTIVATOR SEQUENCE and in the ARC BREAK.

#### A

When the pc is critical of the auditor, the organization or any of many things in life, this is *always* a symptom of *overts* priorly committed by the pc.

The pc is looking for motivators. These criticisms are simply justifications and *nothing more*.

This is a sweeping fully embracing statement—and a true one. There are *no* criticisms in the absence of *overts* committed earlier by the pc.

It is quite permissible for the auditor to start looking for the overt, providing the auditor finds it and gets it stated by the pc and therefore relieved.

But even here the auditor only states there is an overt. The auditor NEVER says what the overt is for that's evaluation.

You will be amazed at what the pc considered was the overt. It is almost never what we would think it should be.

But also, an auditor whose pc is critical of him or her in session who does not say, "It sounds like you have an overt there. Let's find it," is being neglectful of his job.

The real test of a professional auditor, the test that separates the unskilled from the skilled is: CAN YOU GET AN OVERT OFF THE PC'S CASE WITHOUT ARC BREAKING THE PC AND YET GET IT OFF.

The nice balance between demanding the pc get off an overt and getting it off and demanding the pc get off an overt and failing to get it off but ARC Breaking the pc is the border line between the unskilled and the professional.

If you demand it and don't do it you'll ARC Break the pc thoroughly. If you fail to demand it for fear of an ARC Break you'll have a lowered graph on the pc. The pro demands the overt be gotten off only when necessary and plows on until it's gotten off and the pc brightens up like a lighthouse. The amateur soul-searches himself and struggles and fails in numerous ways—by demanding the wrong overt, by accepting a critical comment as an overt, by not asking at all for fear of an ARC Break, by believing the pc's criticism is deserved—all sorts of ways. And the amateur lowers the pc's graph.

Demanding an overt is not confined to just running O/W or some similar process. It's a backbone auditing tool that is used when it has to be used. And not used when it doesn't have to be.

The auditor must have understood the whole of the overt-motivator theory to use this intelligently.

#### B

Indicating by-passed charge is a necessary auditor action which at first glance may seem evaluative.

However, the by-passed charge is *never* what the pc says it was if the pc is still ARC Broken.

By-Passed Charge is, however, found by the meter and the pc has actually got it or it wouldn't register. So the pc has really volunteered it in a round-about way—first by acting like he or she has by-passed charge and then by bank reaction on the meter.

Always indicate to the pc the by-passed charge you *find on the meter*.

Never tell a pc what the by-passed charge is if you don't know.

A Class VI auditor knows all goals but *the* goals are wrong and often sloppily just tells people at random they have "a wrong goal" knowing this to be probable. But it's very risky.

If you find it on the meter, telling the pc what the by-passed charge is is not evaluation. Telling the pc "what it is" without having found it is evaluation of the worst sort.

L. RON HUBBARD

LRH:jw.cden  
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#### SAINT HILL SPECIAL BRIEFING COURSE LECTURES

1 — 3 September 1964

- \*\* 6409C01 SHSBC-37 The PE Course
- \*\* 6409C03 SHSBC-38 Clearing — What It Is



DIANETICS AND SCIENTOLOGY  
TECHNICAL DICTIONARY

by

L. Ron Hubbard

Publications Organization

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Los Angeles

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EXHIBIT

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## CRITICISM

**CREATE**, make, manufacture, construct, postulate, bring into beingness. (FOT, p. 20)

**CREATE-COUNTER-CREATE**, to create something against a creation, to create one thing and then create something else against it. (FOT, pp. 20-21)

**CREATE-CREATE-CREATE**, create again continuously one moment after the next=SURVIVAL. (FOT, p. 20)

**CREATIVE IMAGINATION**, imagination, whereby in the field of aesthetics the urges and impulses of the various dynamics are interwoven into new scenes and ideas. (SOS, Bk. 2, p. 101)

**CREATIVE PROCESSING**, 1. the exercise by which the pc is actually putting up the physical universe. (SH Spec 52, 6502C23)  
2. creative processing consists of having the preclear make, with his own creative energies, a mock-up. (COHA Gloss)

**CRIMINAL**, 1. one who is unable to think of the other fellow, unable to determine his own actions, unable to follow orders, unable to make things grow, unable to determine the difference between good and evil, unable to think at all on the future. Anybody has some of these; the criminal has ALL of them. (NSOL, p.78) 2. one who thinks help cannot be on any dynamic or uses help on anyone to injure and destroy. (HCOB 28 May 60)  
3. criminals are people who are frantically attempting to create an effect long after they know they cannot. They cannot then create decent effects, only violent effects. Neither can they work. (FOT, pp. 31-32)

**CRISS-CROSS**, see 3DXX.

**CRITICAL THOUGHT**, 1. a symptom of an overt act having been committed. (SH Spec 37, 6409C01) 2. a critical pc=a withhold from the auditor. (HCOB 23 Aug 71)

**CRITICISM**, 1. most criticism is justification of having done an overt. There are rightnesses and wrongnesses in conduct and society and life at large, but random, carping 1.1 criticism when not borne out in fact is only an effort to reduce the size of the target of the overt. (HCOB 21 Jan 60, Justification) 2. a



HUBBARD COMMUNICATIONS OFFICE  
Saint Hill Manor, East Grinstead, Sussex

HCO BULLETIN OF 21 JANUARY AD10

Fran Hldrs  
HCO Secs  
Assn Secs  
HCO and HASI Staffs

JUSTIFICATION

EXHIBIT 3 PAGE 82

When a person has committed an overt act and then withholds it, he or she usually employs the social mechanism of justification.

We have all heard people attempt to justify their actions and all of us have known instinctively that justification was tantamount to a confession of guilt. But not until now have we understood the exact mechanism behind justification.

Short of Scientology Auditing there was no means by which a person could relieve himself of consciousness of having done an overt act except to try to *lessen the overt*.

Some churches used a mechanism of confession. This was a limited effort to relieve a person of the pressure of his overt acts. Later the mechanism of confession was employed as a kind of blackmail by which increased contribution could be obtained from the person confessing. Factually this is a limited mechanism to such an extent that it can be extremely dangerous. Religious confession does not carry with it any real stress of responsibility for the individual but on the contrary seeks to lay responsibility at the door of the Divinity—a sort of blasphemy in itself. I have no axe to grind here with religion. Religion as religion is fairly natural. But psychotherapy must be in itself a completed fact or, as we all know, it can become a dangerous fact. That's why we flatten engrams and processes. Confession to be non-dangerous and effective must be accompanied by a full acceptance of responsibility. All overt acts are the product of irresponsibility on one or more of the dynamics.

Withholds are a sort of overt act in themselves but have a different source. Oddly enough we have just proven conclusively that man is basically good—a fact which flies in the teeth of old religious beliefs that man is basically evil. Man is good to such an extent that when he realizes he is being very dangerous and in error he seeks to minimize his power and if that doesn't work and he still finds himself committing overt acts he then seeks to dispose of himself either by leaving or by getting caught and executed. Without this computation Police would be powerless to detect crime—the criminal always assists himself to be caught. Why Police punish the caught criminal is the mystery. The caught criminal wants to be rendered less harmful to the society and wants rehabilitation. Well, if this is true then why does he not unburden himself? The fact is this: unburdening is considered by him to be an overt act. People withhold overt acts because they conceive that telling them would be another overt act. It is as though Thetans are trying to absorb and hold out of sight all the evil of the world. This is wrong-headed, by withholding overt acts these are kept afloat in the universe and are themselves as withholds entirely the cause of continued evil. Man is basically good but he could not attain expression of this until now. Nobody but the individual could die for his own sins—to arrange things otherwise was to keep man in chains.

In view of these mechanisms, when the burden became too great man was driven to another mechanism—the effort to lessen the size and pressure of the overt. He or she could only do this by attempting to reduce the size and repute of the terminal. Hence, not-ness. Hence when a man or a woman has done an overt act there usually follows an effort to reduce the goodness or importance of the target of the overt. Hence the husband who betrays his wife must then state that the wife was no good in some way. Thus the wife who betrayed her husband had to reduce the husband to reduce the overt. This works on all dynamics. In this light most criticism is justification of having done an overt act.

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This does not say that all things are right and that no criticism anywhere is ever merited. Man is not happy. He is faced with total destruction unless we toughen up our postulates. And the overt act mechanism is simply a sordid game condition man has slipped into without knowing where he was going. So there are rightnesses and wrongnesses in conduct and society and life at large, but random, carping l.l criticism when not borne out in fact is only an effort to reduce the size of the target of the overt so that one can live (he hopes) with the overt. Of course to criticise unjustly and lower reputes is itself an overt act and so this mechanism is not in fact workable.

Here we have the source of the dwindling spiral. One commits overt acts unwittingly. He seeks to justify them by finding fault or displacing blame. This leads him into further overt acts against the same terminals which leads to a degradation of himself and sometimes those terminals.

Scientists have been completely right in objecting to the idea of punishment. Punishment is just another worsening of the overt sequence and degrades the punisher. But people who are guilty of overt acts demand punishment. They use it to help restrain themselves from (they hope) further violation of the dynamics. It is the victim who demands punishment and it is a wrong-headed society that awards it. People get right down and beg to be executed. And when you don't oblige, the woman scorned is sweet-tempered by comparison. I ought to know—I have more people try to elect me an executioner than you would care to imagine. And many a preclear who sits down in your pc chair for a session is there just to be executed and when you insist on making such a pc better, why you've had it, for they start on this desire for execution as a new overt chain and seek to justify it by telling people you're a bad auditor.

When you hear scathing and brutal criticism of someone which sounds just a bit strained, know that you have your eye on overt acts against that criticised person and next chance you get pull the overt acts and remove just that much evil from the world.

And remember, by and by, that if you make your pc write these overt acts and withholds down and sign them and send them off to me he'll be less reluctant to hold on to the shreds of them—it makes for a further blow of overt acts and less blow of pc. And always run responsibility on a pc when he unloads a lot of overt acts or just one.

We have our hands here on the mechanism that makes this a crazy universe so let's go for broke on it and play it all the way out.

L. RON HUBBARD

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HUBBARD COMMUNICATION  
Saint Hill Manor, East Grinstead, Sussex

HCO POLICY LETTER OF 25 FEBRUARY 1966

Remimeo  
Exec Sec Hat  
HCO Sec Hat  
Legal Officer Hat  
LRH Comm Hat  
Dist Sec Hat  
Press Hat  
Sec: 5 Dept 3

HCO Div  
LRH Comm  
ATTACKS ON SCIENTOLOGY  
(Additional Pol Ltr)

Anyone proposing an investigation of or an "Enquiry" into Scientology must receive this reply and no other proposal:

"We welcome an investigation into (Mental healing or whatever is attacking us) as we have begun one ourselves and find shocking evidence."

You can elaborate on the evidence we have found and lay it on them attacking the attackers only.

NEVER agree to an investigation of Scientology. ONLY agree to an investigation of the attackers.

This was the BIG error made in Victoria. I okayed an Enquiry into all mental healing. I ordered evidence on psychiatric murders to be collected. Non-Compliance with these orders brought on the loss of Melbourne and the law in Victoria against Scientology. This was the non-compliance that began it. The original order I gave was relayed as "we welcome an Enquiry into Scientology...." or it was changed to that in Melbourne.

This is correct procedure:

- (1) Spot who is attacking us.
- (2) Start investigating them promptly for FELONIES or worse using our own professionals, not outside agencies.
- (3) Double curve our reply by saying we welcome an investigation of them.
- (4) Start feeding lurid, blood, sex, crime actual evidence on the attack to the press.

Don't ever tamely submit to an investigation of us. Make it rough, rough on attackers all the way.

You can get "reasonable about it" and lose. Sure we break no laws. Sure we have nothing to hide. BUT attackers are simply an anti-Scientology propaganda agency so far as we are concerned. They have proven they have no facts and will only lie no matter what they discover. So BANISH all those that any fair hearing is intended and start our attack with their first lie. Never wait. Never talk about us - only them. Use their blood, sex, crime to get headlines. Don't use us.

I speak from 15 years of experience in this. There has never yet been an attacker who was not reeking with crime. All we had to do was look for it and murder would come out.

They fear our Meter. They fear freedom. They fear the way we are growing. Why?

Because they have too much to hide.

When you use that rationale you win. When you go dishwater and say "We honest chickens just plain love to have you in the coop, Brer Fox," we get clobbered. The right response is "We militant public defenders of the freedom of the people want there Fox investigated for eating living chickens." Sh. it in spotlight to them. No matter how. Do it!

You can elaborate on the formula. Let's say some other branch of government wants to investigate us via the press. Just apply the formula.



"We welcome a public enquiry into (that branch activity) as we have begun to investigate their (----)." It will always work. It could have worked on the U.S. F.D.A. when they first began five years ago. They said on D.C. They run! And that's all we want.

### HOW TO STOP ATTACKS

The way we will eventually stop all attacks from the re on out is by processing the society as follows:

- (1) Locate a source of attack on us.
- (2) Investigate it.
- (3) Expose it with wide lurid publicity.

You see the same thing in a preclear. He has a rotten spot in his behaviour. He attacks the practitioner. The spot is located on a meter. It blows and the preclear relaxes.

Well this is just what is happening in the society. We are a practitioner to the society. It has rotten spots in it. Those show up in attacks on us. We investigate and expose - the attack ceases.

We use investigators instead of E-Meters. We use newspapers instead of auditor reports. But it's the same problem exactly.

So long as we neglect our role as auditor-to-the-society we will be attacked.

Society is pretty crazy. It's a raw jungle. So it will take a lot of work. We must be willing to put in that work as a group or we'll be knocked about.

Remember, CHURCHES ARE LOOKED UPON AS REFORM GROUPS.

Therefore we must act like a reform group.

The way to seize the initiative is to use our own professionals to investigate intensively parts of the society that may attack us. Get an ammunition locker full. Be sure of our facts. And then expose via the press.

If we do this right, press, instead of trying to invent reasons to attack us will start hanging around waiting for our next lurid scoop.

We must convert from an attacked group to a reform group that attacks rotten spots in the society. We should not limit ourselves to mental healing or our own line. We should look for zones to investigate and blow the lid off and become known as a mighty reform group. We object to slavery, oppression, torture, murder, perversion, crime, political sin and anything that makes Man unfree.

The only error we can make is dispersing our investigation. We do a preliminary look, then we must select a target and investigate it until we have the cold facts and then BANG, fire the salvo.

Don't worry about libel if our facts indicate rottenness. The last thing that target will do is sue as then we would have a chance to prove it in court, which they are terrified of our doing.

Remember - the only reason we are in trouble with the press or governments is that we are not searching out and exposing rotten spots in the society. We must practice on the whole group called society. If we do not it will attack us just as a preclear will attack a Scientologist that won't audit him.

To get wholly over to cause we must select targets, investigate and expose before they attack us.

We have at this writing a long way to go. But we might as well



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L. RON HUBBARD

And that will handle it all.  
Hence by investigating any smoking group, it  
and enjoys the dead bodies. They work on to our subjects the same.

11-18-86

DECLARATION OF GERALD ARMSTRONG

I, GERALD ARMSTRONG, declare as follows:

1) I have been advised by my attorney, Julia Dragojevic, that cross-defendant organization has moved to continue the trial of the cross-complaint, now set for January 19, 1987. The organization has offered three reasons for its motion: A) it was not aware of a "brainwashing" claim until it got my response to its motion for summary adjudication on the application of statutes of limitation to the pc file issue; B) it wants to first get the Appeals Court decision in the document case; C) it needs more time for discovery.

2) "Brainwashing" is the organization's term. It cannot profess ignorance of the subject as L. Ron Hubbard wrote as early as 1956 in a "Technical Bulletin" attached hereto as Exhibit A:

"We (Scientology) know more about psychiatry than psychiatrists. We can brainwash faster than the Russians (20 secs to total amnesia against three years to slightly confused loyalty)."

And the organization cannot honestly claim that any mention by me of Hubbardian or organization mind control is a new surprise. Attached hereto as Exhibit B are two pages from a declaration I filed in 1982 in which I state:

"What most Scientologists, and especially Sea Org members don't know is that Mr. Hubbard had duped

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4



1           them. My knowledge based on documentation and  
2           observation, is that the major reason for Mr. Hubbard's  
3           calling Scientology a 'religion,' in addition to tax  
4           evasion, is to hide behind Constitutional guarantees  
5           for religions and so carry out his scheme of mind  
6           control to keep his followers duped. He has  
7           systematically and knowingly lied to and defrauded his  
8           followers, kept them from finding out the truth or  
9           becoming free with cruel and bizarre treatment, as for  
10          example with the RPF, and kept them economically and  
11          mentally suppressed, while he made millions of dollars  
12          from their labor."

13       The Court touched on mind control in the decision in the  
14       document case:

15               "...the Church or its minions is fully capable of  
16               intimidation or other physical or psychological abuse  
17               if it suits their ends. The record is replete with  
18               evidence of such abuse."

19       And common sense yields only mind control as the explanation for  
20       the years of submission to the abuse.

21  
22               The organization has known of its own practices for  
23       decades, has known for over four years that I defined some of  
24       those practices as mind control, and has known for over two  
25       years that the Court considered "psychological abuse" and  
26       Hubbard's "controlling, manipulating....his adherents" part of  
27       this case. Mind control is not a new subject which would  
28       require of the organization a new defense or more time in which



1 to create it.

2 ..  
3 3) Regarding continuing the trial of the  
4 cross-complaint until issuance of the Appeals Court decision in  
5 the document case, it was cross-defendant organization which  
6 moved to sever the cross-complaint as unrelated to the  
7 underlying document case.

8  
9 4) In the document case, for a trial that lasted  
10 thirty days, because the organization insisted on an expedited  
11 trial, I had twenty months in which to prepare for my defense.  
12 From the time of filing of the cross-complaint until the present  
13 trial date, the organization will have had fifty months.

14  
15 The organization has taken my deposition at least  
16 twenty-five days, and has taken the deposition of virtually  
17 everyone connected to me at some point in this litigation. Each  
18 person on this side whom the organization has sought to depose  
19 has complied and has answered any relevant questions. My  
20 attorneys advise me that because of the organization's  
21 compartmentalization and obstructionist tactics, taking any  
22 organization depositions is a costly and frustrating waste of  
23 time. The organization knows virtually every fact of my life  
24 since I was born which has any connection at all to the issues  
25 in the cross-complaint; there is nothing left to discover.  
26 Discovery by the organization is for this reason, and because of  
27 attorney tactics and behavior, largely harassing. The extension  
28 of discovery is just the extension of harassment.



1           5) The organization cannot honestly argue that it was  
2 prevented in any way from getting whatever discovery it has  
3 wanted or from getting its many motions, several of which were  
4 in fact obstructive of legitimate discovery, heard by this  
5 Court. The organization has used 12 law firms in this case, and  
6 these attorneys have all been involved in other Scientology  
7 litigation and have deposed all my potential witnesses in those  
8 cases in addition to this. In addition to the staggering sums  
9 paid to attorneys to litigate this case, the organization has  
10 paid at least hundreds of thousands of dollars for PI's, for  
11 intelligence operations and for media black PR campaigns against  
12 me. Where it could not wait for legal discovery, it stole my  
13 documents. And as shown in my earlier declarations, it has,  
14 through perjury and manipulation, thwarted my discovery into its  
15 clear cut and egregious invasions of my privacy and assaults on  
16 my mind.

17  
18           6) The organization has demonstrated continually  
19 throughout the litigation of this case that truth, which must  
20 have some relationship to legitimate discovery, is, as far as  
21 the organization is concerned, irrelevant. Attached hereto as  
22 Exhibit C is a copy of a recitation of a dream I had in March  
23 1985. I have blacked out for this purpose, anything which could  
24 be considered offensive. Donald Randolph has, in furtherance of  
25 the organization's goals, defined the recitation of the dream a  
26 "sickening work" demonstrating my "extremely aberrated  
27 activities." The dream was a dream. The recitation was true,  
28 and as artistically tight as I was capable of. To the



1 organization, if it suits its purposes, however, dreams are  
2 reality, and truth is whatever can be twisted therefrom. The  
3 only thing "sickening" about the dream is how the organization  
4 acquired it and went about its degradation. I sent it to my  
5 friend Dan Sherman, a professional writer who had throughout  
6 1984 encouraged me to write and who had "critiqued" some of my  
7 work. Sherman was, of course, being operated by the  
8 organization in the "Armstrong operation" (the same operation  
9 which John Peterson says never happened), and Sherman either  
10 gave the organization the "dream" he had dutifully tricked me  
11 into sending him, or the organization simply stole it from him.  
12 Attached hereto as Exhibit D is a letter from Sherman from March  
13 1986 in which he indicates that the organization was indeed  
14 getting his mail. Since writing to me, however, Sherman has  
15 apparently again been pressured by the organization because he  
16 has again cut communication with me and gone into hiding.

17  
18 Another example of organizational perversion of truth  
19 is the whole Armstrong operation. A group of individuals  
20 fearing for their lives and asking me for help to reform the  
21 organization became in organization black PR campaigns my  
22 attempt to destroy religion. Efforts by the organization to  
23 enveigle me into illegal acts became my commission of the acts.  
24 Use of my pc files as a lure to entrap and ruin me is  
25 characterized as protecting the sanctity of auditing. The  
26 organization needs no more discovery since it creates "truth"  
27 and "evidence," as it wishes.

28 ////



1           7) All the discovery the organization has sought can  
2 be completed in the next two weeks. I have been answering  
3 interrogatories, in addition to all the other work I must still  
4 do, and despite the fact that none of the interrogatories cover  
5 anything which I have not already testified about, and I will  
6 complete them by November 26, 1986. The organization took my  
7 deposition on October 29 and 30 and they can have my deposition  
8 another day before trial if they want. They have made no  
9 request to set a date for the continuation of my deposition  
10 since the two days in October. The organization, just to delay  
11 the trial, should not be permitted to delay the discovery  
12 opportunities it has.

13  
14           8) Although the organization is clearly not harmed if  
15 the cross-complaint goes to trial January 19, I will be if it  
16 doesn't. Through all the operations, the lies and attacks over  
17 more than four years, the hope of going to trial has been a  
18 major stabilizing factor in keeping me going.

19  
20           I do not have the extra legal options which the  
21 organization does; my only opportunity to resolve this  
22 protracted, bitter and emotionally devastating war is at trial.  
23 My life has been radically altered by the organization's acts:  
24 the threats, the assaults, the pc file perversions, the  
25 obstruction, the lies, the operations, the betrayals, the  
26 terror. The intensity has fluctuated and there were brief  
27 periods when my life moved toward normalization, but always  
28 briefly as another organization attack was never far away.



1 Since the July pc file culling, however, there has been no  
2 respite. The anguish I feel just about every day may be a  
3 blessing because the emotional ripple does not manifest itself in  
4 other more destructive ways. But I cannot feel that it is  
5 optimum or normal or healthy; that is, I'm under a ton of stress.  
6 I have grappled with the litigation and the extra-litigation  
7 threat in many ways. Some of them, even within the observable  
8 context of Gerald Armstrong, and even to myself, are bizarre.  
9 Almost the whole day now, and day after day, is connected to this  
10 subject. Sometimes I feel like my body is a battleground.  
11 Outside my apartment and office, and those are just about all my  
12 destinations, I am most of the time aware of the cold evaluation  
13 of threat. I am intellectually sound enough to realize that to  
14 succeed in getting the cross-complaint to trial raises the  
15 potential for a really serious operation. The emotional  
16 ramifications which follow from that are what I deal with. That  
17 is, the alteration of the circuitry. The lessening of the threat  
18 can only be achieved, however, by going forward, even though what  
19 could happen at trial could be beyond anything I've yet  
20 experienced. All the operations have had the ultimate goal of  
21 stopping me from proceeding to trial. They have only succeeded  
22 in convincing me that the only way the war and the threat can end  
23 is to get to trial.

24 Executed this 18th day of November, 1986 at Boston,  
25 Massachusetts.

26 I declare under the penalty of perjury under the laws  
27 of the State of California that the foregoing is true and correct.

28 \_\_\_\_\_  
Gerald Armstrong



HUBBARD COMMUNICATIONS OFFICE  
217a Kensington High Street, London W.8

R U S H

July 22nd, 1956

To U.S. ONLY Julia Lewis, Dick Steves, L. Ron Hubbard, Jnr.

To England ONLY Association Secretary (Jack Parkhouse)  
Director of Processing (Ann Walker)  
Director of Training (Dennis Stephens)

Staff Auditors, Instructors and Auditors close to Operation only.

TECHNICAL BULLETIN OF 22 JULY 1956

I feel the urge to communicate to you the best news since 1950.

I have whipped the problems of the whole track and memory of the past and can resolve the worst cases we have ever had. That is a huge statement *but* I have solved and can untangle in an intensive the problems of the vacuum and havingness plus memory and health and have just done so. Hence the exuberance.

Also, other auditors can solve these in a case as well. NIBS has just cracked two six-year-standing Black Fives using some of this material and Herbie Parkhouse has had considerable luck with solids.

We are now capable of solving Book One style cases to the extreme level of clear.

No wild burst of enthusiasm is here intended. I have to put the finishing touches on a lot of things and the process is still slow—25 to 75 hours. But I've now done it and seen it done to worse cases than any you've had. And that's fact!

Okay. It's not simple. It requires a minute understanding of Book One. It would take me 50 pages to explain all I've lately found about vacuums. You haven't seen the last of me or of study, but you will have seen the last of unsuccessful cases providing only that we have time and environment in which to audit them.

We can make homo novis. (AND give a grin to those who kept standing around bleating, "Where are the clears?")

We know more about life now than life does—for a fact, since *it* was reaching, we can communicate about the reactions.

The process is concerned with "making it solid" combined with effects. It isn't easy. It is wonderfully complex and delicate. But it *has* been done. And it is being done.

Our cases gained but sometimes slumped. Why? Because an electronic vacuum restimulated on the track after sessions, and robbed the case's havingness.

A vacuum isn't a hole. It's a collapsed bank. Every lifetime bank is collapsed into a vacuum.

The formula is—

1. Run pc on start-change and stop for *hours* until he is under auditor's control, in session and (often) exteriorized.
2. Then run him with commands "What are you looking at?" "Good." "Make it solid."

He will eventually hit a vacuum. (He'd hit it faster on "Recall a can't have" but it's too fast.) Here's the tangle. The vacuum is a super-cold mass or an electric shock. This "drank up" bank electronically (brainwashed him). The energy drunk turned black. Hence black cases. (Does not apply only to black cases however.)

3. Run, interspersed with solids and "objective can't have" on the room, "Tell me an effect object (that drank bank) could *not* have on you," and "Tell me an effect you could have on object." Object may be electrodes or supercold plate or even a supercold glass.

Caution, handle one vacuum at a time. These vacuums go back for 76 Trillion years. They were the original brainwash thetans did to one another, then psychiatrists (on the whole track) did expertly (modern psychiatrists are *punks*, modern shock too feeble to do more than restimulate old vacuums).

Take the vacuum that comes up running solids, or even "Recall a can't have", whatever it is and solve it as above.

This is delicate auditing. If you restimulate a vacuum too hard, the whole track groups on it.

Read Book One. Add vacuums instead of word groupers, use above and you'll probably get through to success. Nibs did and I had given him less than you have here. Of course, he's one of the best auditors in the business, so go easy. And Herbie Parkhouse is no slouch.

#### CAUTIONARY

This is true--

1. We have created the *permanent* stable clear.
2. In creating him we have a homo novis in the full sense, not just an Operating Thetan.
3. We now know more than life. An oddity indeed!
4. We now know more about psychiatry than psychiatrists. We can brainwash faster than the Russians (20 secs to total amnesia against three years to slightly confused loyalty).
5. We can undo whatever psychiatrists do, even the tougher grade from away back. We can therefore undo a brainwash in 25 to 75 hours.
6. We can create something better than that outlined and promised in Book One.

#### B U T

1. We need to know more and be more accurate than ever before about the time track and auditing. I have not given a thousandth of what I know about this.
2. We have a new game but also new responsibilities amongst men.
3. This data in the wrong hands before we are fully prepared could raise the Devil literally.
4. Because we know more than the Insanity Gang, we're not fighting them.
5. Because we can undo what we do, we must retain a fine moral sense, tougher by far than any of the past.
6. We can create better than in Book One now *only* if we know Book One and know our full subject.

AND WE DO NOT YET KNOW ALL THE SAFETY PRECAUTION TO BE USED.

I will be giving this data in full at the Games Congress, Shoreham Hotel, WASHINGTON, D.C., August 31st, to September 3rd, 1956.

The exact regimen of this will be SLP 8 and will include the total picture of separating valences from bodies (which must still be done by the auditor, a formula I now have).

I have given you this data in this bulletin at this time because now I know I know and I want you to share in seeing the surge of vision which will be our future.

L. RON HUBBARD

P.S. (Actually, contrary to rumor, it *hasn't* all been done before. If it had been, the guy who is saying it has would be clear!)



the organization, or that organization executives did not know where he was. The fact is, the most senior executives were in continual communication with him throughout this period. Scientology spokesmen and witnesses have gone to great lengths to "prove" that Scientology is a valid religion, while knowing that it was simply a behavior therapy masquerading as a "church", and making a mockery of actual honest religious practices. In 1980, Watchdog Committee, the senior CMO body, responsible only to Mr. Hubbard and senior to every Scientology organization, ordered that every Sea Org member had to complete the Minister's Course in two weeks or they would be assigned to the RPF. The reason given was to make every Sea Org member a "minister of the church of Scientology" and so avoid the U.S. Selective Service draft then pending. What most Scientologists, and especially Sea Org members don't know is that Mr. Hubbard had duped them. My knowledge based on documentation and observation, is that the major reason for Mr. Hubbard's calling Scientology a "religion", in addition to tax evasion, is to hide behind Constitutional guarantees for religions and so carry out his scheme of mind control to keep his followers duped. He has systematically and knowingly lied to and defrauded his followers, kept them from finding out the truth or becoming free with cruel and bizarre treatment, as for example with

the RPF, and kept them economically and mentally suppressed, while he made millions of dollars from their labor.

6) I am personally aware that Mr. Hubbard's policy of Fair Game is still a practice of Scientology. Since I left the organization with my wife in December 1981, I have been declared an enemy, and I believe that my life and my wife's life, are in danger.

7) On or about September 28, 1980, a meeting took place in the Cedars Complex at Los Angeles, California, one of the corporate headquarters of the Church of Scientology of California, (CSC). The meeting was attended by Charles Parselle, (C.P.) Deputy Guardian for Legal, (DGL), at WW, who was in charge of all legal activities for Scientology throughout the world and Laurel Sullivan, (L.S.), the personal representative of L. Ron Hubbard, a long term senior executive of Scientology and then In Charge, I/C, of a special legal Mission, (MCCS), which mission was seeking to conceal Hubbard's control of Scientology and develop strategies to effectuate actual control by Mr. Hubbard without incurring legal responsibility. Dick Sullivan, a junior executive of the MCCS mission, pursuant to orders, tape recorded the meeting. The individuals in attendance at this meeting



3-10-85

Last night or I dreamed  
I received a warning to not  
[redacted] the [redacted]. If  
I did I would myself turn  
into a [redacted]

Sometime later, sure enough,  
there appeared a [redacted]  
[redacted] and [redacted] She turned  
her [redacted] almost  
in [redacted], and turned  
her head back looking at  
me [redacted]

Her [redacted] was [redacted]

[redacted] Her ears [redacted]

[redacted] Her mouth didn't  
move but she asked in

perfect English if I'd like  
[REDACTED] there were  
[REDACTED] of [REDACTED] around her  
[REDACTED]

I wanted to [REDACTED]  
but I said no. She  
disappeared. I woke up.

I have thought of her  
several times today. She  
was there. I'm still  
here. [REDACTED]

G. J. D.



Dan Therman

4440 Ambrose Ave  
Los Angeles, Calif  
90027

March 1986

Dear Gerry,

I realize that I am probably the last person in the world you'd want to hear from, and I certainly don't blame you for it---but after talking to my sister the other day, I simply can't help writing you now.

I won't go into a long explanation of what happened in the end. Suffice it to say that between pressure from the Church and the potential break-up of my marriage I probably let you down---at least in spirit. I make no excuses now, and offer only this: I'm deeply, deeply sorry about the whole damn mess.

As I write now, a lot comes back to mind...including my so called "agreement" to not communicate with you again. But the hell with it. There are some things I just can't go on living with, and one of them is knowing that I never sent you a copy of our book.

I hope you'll accept it. I hope you'll forgive me. I'll understand if you don't write back, but I'd love it if you did.

Best for Always,

EXHIBIT

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PS As far as I know, no one is watching my mail anymore.

PSS I send this to Mike's office, cause it was the only address I had.

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